DRAFT

OF THE

Bangalore Municipal Law, 192

National Press, Bangalore.

Bangalore Municipal Law, 192

Act No. of 192

A law to consolidate and amend the law relating to the Municipal affairs of the Civil and Military Station of Bangalore.

Preamble.

Whereas it is expedient to consolidate and amend the law relating to the Municipal affairs of the Civil and Military Station of Bangalore. It is hereby enacted as follows:

PART I.

Chapter I. Preliminary.

Title and Extent.

1. (1) This law may be called the Bangalore Municipal Law, 192

(2) Except as hereinafter expressly provided it extends to the Civil and Military Station of Bangalore as defined for the time being by Notification under this Law.

(3) It shall come into force at once.

Repeal of enactments.

2. The Bangalore Municipal Law, 1897, is hereby repealed.

Definitions.

3. In this Law, unless there is anything repugnant in the subject or context—

"Appoint." (1) "Appoint" includes to appoint temporarily or in an officiating capacity.

"Appointment." (2) "Appointment" includes temporary and officiating appointments.

"Budget Grant." (3) "Budget Grant" means any sum entered on the expenditure side of a budget estimate which has been adopted by the Commission.

"Building." (4) "Building" includes a house, out-house, stable, latrine, shed, hut, wall (other than a bound-

ary wall not exceeding five feet in height) and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever.

(5) "Building-line" means a line which is in rear of the street-alignment and to which the main wall of a building abutting on a street may lawfully extend.

"Building Line."

(6) "Carriage" includes any wheeled vehicle with springs or other appliances acting as springs; and any kind of motor-car, motor-lorry, motor-omnibus, motor-cycle, bicycle, tricycle and rickshaw.

"Carriages."

(7) "Cart" includes any wheeled vehicle which is not a "Carriage."

"Cart."

(8) "Casual vacancy" means a vacancy occuring otherwise than by efflux of time in the office of a divisional commissioner or in any other elective office, and "Casual election" means an election held on the occurence of a casual vacancy.

"Casual vacancy."
"Casual election."

(9) "Civil and Military Station of Bangalore" or "Station" means the area so defined for the time being by notification under this Law.

"Civil and Military Station of Bangalore."

(10) "Dangerous Disease" means—

(a) cholera, plague, small-pox, tuberculosis, diphtheria, enteric fever, typhoid fever, and measles and

"Dangerous Disease."

(b) any other disease notified under this law.

(11) "Filth" includes sewage, nightsoil, dung, dirt, putrid, and putrefying substances and all offensive matter.

"Filth."

(12) "Hut" means any building which is constructed principally of wood, mud, leaves, grass

"Hut."

or thatch and includes any temporary structure of whatever size any small building of whatever material made which the commission may declare to be a hut for the purpose of this Law.

"Latrine." (13) "Latrine" includes privy, water-closet and urinal.

"Municipal Office." (14) "Municipal Office" means the principal office of the Municipal Commission.

"Occupier." (15) "Occupier" includes any person for the time being paying or liable to pay to the owner the rent or any portion of the rent of the land or building or part of the same in respect of which the word is used.

"Ordinary election." (16) "Ordinary election" means an election held to fill a vacancy in the office of divisional commissioner or in any other elective office arising by efflux of time.

"Owner." (17) "Owner" includes (a) the person for the time being receiving, or entitled to receive, whether on his own account or as agent, trustee, guardian, manager, or receiver for another person or for any religious or charitable purpose the rent or profits of the property, in connexion with which the word is used, (b) the person for the time being in charge of the animal or vehicle, in connexion with which the word is used.

"Prescribed." (18) "Prescribed" means prescribed by the Resident by rules under this Law.

"Private Street." (19) "Private Street" means any street, road, square, court, alley, passage or riding-path which is not a "Public street" but does not include a pathway made by the owner of premises on his own land to secure access to or the convenient use of such premises.

"Public Street." (20) "Public street" means any street, road, square, court, alley, passage or riding-path

whether a thoroughfare or not, over which the public have a right of way, and includes—

(a) the road way over any public bridge or causeway.

(b) the footway attached to any such street, public bridge or causeway, and

(c) the drains attached to any such street, public bridge or causeway and the land, whether covered or not by any pavement, verandah, or other structure, which lies on either side of the roadway up to the boundaries of the adjacent property, whether that property is private property or property belonging to Government.

"Railway."

(21) "Railway" includes a tramway.

"Reconstruction."

(22) "Reconstruction" of a building includes—

(a) any material alteration or enlargement of any building;

(b) such alterations of the internal arrangements of a building as effect an alteration of its drainage or sanitary arrangements or affect its security;

(c) the addition of any rooms, buildings, outhouses or other structures to any buildings;

(d) the re-erection wholly or partially of a building after more than one-half of its cubical contents has been taken down or burnt down or has fallen down, whether at one time or not;

(e) the re-erection wholly or partially of any building of which an outer wall has been taken down or burnt down or has fallen down to or within ten feet of the ground adjoining the lowest storey of the building, and of any frame building, which has so far been taken down or burnt down or has fallen down as to leave only the frame-work of the lowest storey;

(f) the conversion into a dwelling-house or a place of public worship of any building

not originally constructed for human habitation or for public worship, as the case may be, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only or the conversion of a dwelling-house into a factory;

(g) the re-conversion into a dwelling-house or a place of public worship or a factory of any building which has been discontinued as, or appropriated for any purpose other than, a dwelling-house or a place of public worship or a factory, as the case may be.

"Resident." (23) "Resident" means the Resident in Mysore.

"Residence." "Reside." (24) A person is deemed to have his "residence" or to "reside" in any house if he sometime uses any portion thereof as a sleeping apartment, and a person is not deemed to cease to reside in any such house merely because he is absent from it or has elsewhere another dwelling-house in which he resides, if he is at liberty to return thereto at any time and has not abandoned his intention of returning.

"Rubbish." (25) "Rubbish" means dust, ashes, broken bricks, mortar, broken glass, and refuse of any kind which is not "filth".

"Salary." (26) "Salary" means pay and acting pay, or payment by way of commission, and includes exchange compensation allowances, but not allowances for house-rent, carriage hire or travelling expenses.

"Street alignment." (27) "Street alignment" means a line dividing the land comprised in and forming a part of a street from the adjoining land.

"Year." (28) "Year" means the financial year.

4. The Governor-General in Council may, from time to time, by notification, declare what, for the purposes of this Law, shall be the area and limits of the Station and may, at any time, in like manner, alter such area and limits.

Power of the Governor General in Council to define the limits.

5. Subject to the provisions of the next following sections this law shall not apply to any barracks, hospitals, guard-rooms, barrack-yards, hospital enclosures or other buildings or lands in the exclusive possession of the Military authorities for Military purposes, and notified as such by the Governor-General in Council.

Exclusion of Military buildings or lands from the operation of this law..

6. The Governor-General in Council may, by notification, exempt any local area, buildings, or lands in the Station from the operation of all or any of the provisions of this law or of the rules and bye-laws thereunder, and may, in like manner, apply all or any of the said provisions to any of the buildings or lands described in section 5 or to any other local area.

Exemption of any local area from the operation of this law, and application thereof to certain local areas.

PART II.

CONSTITUTION AND GOVERNMENT OF THE COMMISSION.

ENUMERATION OF AUTHORITIES.

Chapter II. The Municipal Authorities.

7. The Commission shall by name of the "Municipal Commission of the Civil and Military Station of Bangalore" be a body corporate, and have perpetual succession and a common seal and may by such name sue and be sued.

Incorporation of the Municipal Commission.

8. The Municipal authorities charged with carrying out the provisions of this Law are—

Constitution of Commission.

(a) a commission,

(b) standing committees of the commission.

(c) a President.

9. (1) The commission shall consist of a President and twenty-~~seven~~ nine commissioners elected or appointed in accordance with rules made under this Law by the Resident:

The Commission.

Provided that unless the Governor-General in Council otherwise directs, the appointed members who are salaried officers of Government shall not exceed one-third of the whole commission, and not less than two-thirds of the whole commission shall be chosen by election.

(2) When any places on the commission are required to be filled by election and a sufficient number of commissioners are not elected to fill such places, the Resident may fill them by appointment.

(3) The Resident may, by order in writing, nominate one more person to be an additional commissioner for such period as may be specified in the order, and the person so appointed shall have all the rights of a Commissioner:

Provided that not more than one such person shall be so appointed at any one time, and during the pendancy of any such appointment no further appointment of such nature shall be made.

"(4) The officers of the Commission shall have the right to attend the meetings of the Commission and of any standing committee and to take part in the discussion but shall not have the right to move any resolution or to vote.

They shall attend any meeting of the Commission or of a standing committee if required to do so by the President".

10. (1) There shall be two standing committees, *viz;*

Standing Committees.

(1) The Health Committee dealing with Health, and

(2) The General Committee dealing with taxation, finance, works, education and all other matters.

(2) Wherever in this law the expression "the standing committee" occurs, it shall, unless the context otherwise requires, be deemed to refer to the particular standing committee to which the power or duty in connection with which the expression is used, is assigned by this law or by Bye-Laws made by the commission and all references to the standing committees in any other law shall be construed as references to the particular standing committee to which the power or duty conferred or imposed by such law is assigned by Bye-laws made by the commission.

Construction of references to standing committee.

THE SEVERAL AUTHORITIES.

11. (1) The office of President shall be held, unless otherwise ordered by the Governor-General in Council, by the District Magistrate for the time being of the Station.

The President.

(2) The President may be paid out of the municipal fund such salary and allowances per mensem in the aggregate as may from time to time be fixed by the Governor-General in Council.

THE PRESIDENT.

12. Subject, whenever it is hereinafter expressly directed to the sanction of the commission or the standing committee as the case may be, and subject to all other restrictions, limitations and conditions hereinafter imposed, the executive power for the purposes of carrying out the provisions of this Law shall be vested in the President, who shall also perform all the duties and exercise all the powers specifically imposed or conferred on him.

Powers of President.

13. The President shall be responsible for the custody of all the Records of the commission including all the papers and documents connected with the proceedings of the commis-

Custody of Records.

New 11. "The Commission may from time to time appoint from among its members, such other Committees consisting of such number of persons as it thinks fit, to advise and report on any matters connected with the purposes of this law."

Other Committees.

sion, the standing committees and other committees, and shall arrange for the performance of such duties relative to the proceedings of the said bodies as they may respectively impose.

Extraordinary Powers of President.

14. The President may, in cases of emergency, direct the execution of any work or the doing of any act which would ordinarily require the sanction of one of the other Municipal authorities and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public and may direct that the expense of executing the work or of doing the act shall be paid from the municipal fund:

Provided that he shall report forthwith the action taken under this section and the reasons therefor to such other authority

"Provided that he shall report the action taken under this section and the reasons therefor to the next following meeting of the Commission."

Delegation of President's ordinary powers.

15. The President may delegate to the Vice-President or to the holder of any municipal office any of his ordinary powers, duties or functions except those conferred or imposed upon or vested in him by the following provisions *viz.*, Sections:

22 (3), 52, 54, 55, 68, 69, 157, 171 (2), 179 (2) and (3), 180, 181, 184, 195, 219, 220, 259, 268, 274, 278, 285, 286, 287, 290, 291, 292, 293, 295, 296, 301, 308, 310, 311, 321, 325, 326, 337, 382, 393, 400, Schedule I, Rule 14, Schedule II, Rules 13 and 14.

Provided that—

(*a*) such delegation shall be in writing and shall specify the name or official designation of the person to whom the delegation is made;

(*b*) the President shall not delegate his power under section 83 to make appointments to offices carrying a salary of more than fifty rupees per mensem;

(*c*) the President shall not delegate to the holder of any office his power under section 89 to fine, reduce, suspend, remove or dismiss any employee, or his power under section 90 to grant leave of absence to any

employee, unless such employee was appointed by the holder of such office by virtue of a delegation of the President's powers of appointment;

(*d*) the President shall not delegate his power under section 63 to make on behalf of the commission any contract involving an expenditure exceeding five hundred rupees;

(*e*) when the President delegates under this section any power or duty which is exercisable or is required to be performed subject to the approval of any other Municipal authority, the President shall send a copy of the order of delegation to such authority.

Reservation of control in respect of powers delegated.

16. The exercise or discharge by a Municipal officer of any powers, duties or functions, delegated to him under section 15 shall be subject to such restrictions, limitations and conditions (if any) as may be laid down by the President and shall also be subject to his control and revision.

Delegation of President's extraordinary powers.

17. The President may on his own responsibility and by an order in writing authorise the Health Officer or the Engineer or the Revenue Officer or any person in temporary charge of the duties of the Health officer, Engineer or Revenue officer to exercise the extraordinary powers conferred on him by section 14.

THE STANDING COMMITTEES.

Election of Standing Committees.

18. (1) Each Standing Committee shall consist of the President, the Vice-President and six members elected by the Commission from its own number, and one nominated by the Resident from among the Commissioners.

(2) When a vacancy occurs in a Standing Committee the commission by election or the Resident, according to the nature of the vacancy, shall fill up the vacancy as soon as possible of another member.

19. The Commission shall by Bye-Laws framed for the purpose determine the powers and duties of each standing committee and may by such bye-laws provide for a conference of the standing committees or for the appointment out of such committees of a joint committee for any purpose in respect of which they may be jointly interested.

Functions of Standing Committees.

THE COMMISSION.

20. (1) Subject to the provisions of this Law the Municipal Government of the Station shall vest in the commission, but the commission shall not be entitled to exercise functions expressly assigned by or under this law or any other law to a standing committee or the President.

Functions of Commission.

(2) If any doubt arises as to the Municipal authority to which any particular function pertains, the President shall refer the matter to the Resident whose decision shall be final.

(3) Without prejudice to the generality of sub-section (1) it shall be the duty of the commission to consider all periodical statements of receipts and disbursement and all progress reports and pass such resolutions thereon as it thinks fit.

21. The standing committees and the President shall be bound to give effect to every resolution of the commission unless such resolution is cancelled in whole or in part by the Resident.

Obligation laid on remaining Municipal authorities to carry out resolutions of commission.

22. (1) Any commissioner may call the attention of the President to any neglect in the execution of Municipal work, to any waste of Municipal property, or to the wants of any locality, and may suggest any improvements which he considers desirable.

Duties and Powers of individual commissioners.

(2) Every commissioner shall have the right to interpellate the President on matters connected with the Municipal Administration subject to such Bye-laws as may be framed by the commission.

(3) Every commissioner shall have access during office hours to the records of the commission after giving due notice to the President, provided that the President may for reasons given in writing forbid such access. The commissioner may appeal against such order to the Resident whose decision shall be final.

PROVISIONS COMMON TO THE COMMISSION AND THE STANDING COMMITTEES.

23. The commission shall at its first meeting after every general election elect one of its number to be its Vice-President and every Vice-President so elected shall if approved by the Resident hold the office of Vice-President for such term as the Resident may by rule fix.

Election of Vice-President.

24. On the occurence of any vacancy in the office of Vice-President, the commission shall at its next meeting elect a successor, who shall be entitled to hold office so long as the person in whose place he is elected would have been entitled to hold it if the vacancy had not occured:

Term of office of Vice-President.

Provided that if the Resident does not approve of the person so elected the commission shall elect another of its number to hold the said office;

Provided that, if the commission, instead of electing a Vice-President applies to the Resident to nominate a Vice-President from among the commissioners, or if no election has been made within two months from the occurence of a vacancy in the office of the Vice-President, the Resident may, if he thinks fit, appoint one of the commissioners to be a Vice-President for the like term.

PROVISIONS COMMON TO THE COMMISSION AND THE STANDING COMMITTEES.

Re-eligibility of Vice-President.

25. An out-going Vice-President is eligible for re-election.

Presidency of commission and standing committees.

26. (1) The President or in his absence the Vice-President shall preside at meetings of the commission or the standing committee and in the absence of both of them a commissioner shall be chosen by the meeting to preside for the occasion.

(2) The President or the chairman, as the case may be, shall preserve order and shall decide all points of order and procedure arising at or in connection with meetings. There shall be no discussion on any point of order and the decision of the President or chairman thereon shall be final.

(3) The Commissioner presiding at a meeting of the commission and the member presiding at a meeting of a standing committee shall for that meeting have all the powers and be subject to all the obligations of the President or chairman as the case may be.

Commissioners to refrain from taking part in discussion and voting on questions in which they are pecuniarily interested.

27. (1) No commissioner shall vote on or take part in the discussion of any question coming up for consideration at a meeting of the commission or of any standing committee or any committee, if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest by himself or his partner.

(2) The President or chairman may prohibit any commissioner from voting on or taking part in the discussion of any matter in which the commissioner is believed to have such interest, or he may require the commissioner to absent himself during the discussion.

(3) Such commissioner may challenge the decision of the President or chairman who shall thereupon put the question to the meet-

ing. The decision of the meeting shall be final.

(4) If the chairman is believed by any commissioner present at the meeting to have any such interest in any matter under discussion, he may, on the motion of such commissioner if carried, be required to absent himself from the meeting during the discussion.

Power to resign.

28. (1) Any commissioner may resign his office by giving notice to the Resident through the President.

(2) when the acceptance of such resignation by the Resident has been communicated to the Commission, the Commissioner shall be deemed to have vacated his seat.

(3) Any member of a standing committee may resign from such committee by giving notice to the President.

(4) The Vice-President may resign his office by giving notice to the Resident through the President.

Saving of validity of proceedings.

29. (1) No act done, or proceeding taken under this Law shall be questioned merely on the ground—

(a) of any vacancy or defect in the constitution of the commission, or of any standing committee, or

(b) of any defect or irregularity in such act or proceeding, not affecting the merits of the case.

(2) Every meeting of the commission, or of a standing committee, the minutes of the proceedings at which have been signed shall be deemed to have been duly convened and to be free from all defect and irregularity.

THE PRESIDENT OF THE COMMISSION.

President to be member of all committees.

30. The President shall by virtue of his office be a member of every other committee.

President to be a member of every Committee other than a standing Committee by virtue of his office.

31. The President shall by virtue of his office be a member of every Committee other than a Standing Committee."

ADMINISTRATION REPORT.

Submission of administration report to Local Government.

31. (1) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Resident, the commission shall submit to the Resident a detailed report of the administration during the preceding year in such form as the Resident may direct.

(2) The President shall prepare such report and the commission shall consider the report and forward the same to the Resident with their resolutions thereon, if any.

(3) Copies of the administration report shall be kept for sale at the Municipal office.

POWERS OF THE RESIDENT.

Submission of copies of Bye-laws to Local Government; Local Governments' power to cancel bye-laws.

32. The President shall submit to the Resident all Bye-laws made by the commission under this law.

The Resident may at any time repeal wholly or in part or modify any bye-law:

Provided that before taking any action under this sub-section the Resident shall communicate to the commission the grounds on which he proposes to do so, fix a reasonable period for the commission to show cause against the proposal and consider its explanation and objections, if any.

The repeal or modification of any bye-law shall take effect from the date of publication of the notification if no date is therein specified, and shall not affect anything done, omitted or suffered before such date.

Submission of copies of resolutions to Local Government.

33. The President shall submit to the Resident copies of all resolutions passed at any meeting of the commission within three days from the date of the meeting.

If the Resident proposes to cancel or modify any Resolution in whole or in part he may call upon the commission to show cause against the proposal within a reasonable period.

32

33. "(1) The President shall

Submission of copies of resolutions and Bye-laws to Local Govern-

submit to the Resident copies of all resolu-

the Commission the grounds on which he proposes to do so, fix a reasonable period for the Commission to show cause against the proposal and consider its explanation and objections, if any.

The repeal or modification of any bye-law shall take effect from the date of publication of the notification if no date is therein specified, and shall not affect anything done, omitted or suffered before such date.

~~POWERS OF THE RESIDENT.~~

34. The Resident may at any time require the commission,

Local Government's power to call for records.

(a) to produce any record, correspondence, plan, or other document;

(b) to furnish any return, plan, estimate, statement, account or statistics;

(c) to furnish or obtain any report.

35. The Resident may depute any officer to inspect or examine any Municipal Department, office, service, work or thing and to report thereon and any officer so deputed may for the purposes of such inspection or examination, exercise all the powers conferred by section 34.

Local Government's power to cause inspection to be made.

36. If, on receipt of any information or report obtained under section 34 or 35 or otherwise the Resident is of opinion—

Local Government's power to direct the taking of action.

(a) that any duty imposed on any Municipal authority by or under this law or any act the doing whereof he considers necessary in the interests of the Municipal Government of the station has not been performed or has been performed in an imperfect, inefficient or unsuitable manner, or

(b) that adequate financial provision has not been made for the performance of any such duty or act, the Resident may, by an order direct the commission within a period to be specified in the order to make arrangements to his satisfaction for the proper performance of the duty or act, or to make financial provision to his satisfaction for the performance of the duty or act, as the case may be:

Provided that unless in the opinion of the Resident the immediate execution of such order is necessary, the Resident shall, before making an order under this section, give the commission an opportunity of showing cause why such order should not be made.

Local Government's power to appoint a person to take action in default at expense of commission.

37. (1) If, within the period fixed by an order issued under section 36 any action directed under that section has not been duly taken, the Resident may by order—

(a) appoint some person to take the action so directed,

(b) fix the remuneration to be paid to him and

(c) direct that such remuneration and the cost of taking such action shall be defrayed out of the Municipal fund, and if necessary, that any one or more of the taxes authorised by this Law shall be levied or increased, but not so as to exceed any maximum prescribed.

(2) For the purpose of taking the action directed as aforesaid the person appointed under sub-section (1) shall have power to make such contracts as are necessary, may exercise any of the powers conferred on any Municipal authority by or under this law and specified in this behalf in the order issued under sub-section (1), and shall be entitled to protection under this law as if he were a Municipal authority.

(3) The Resident may, in addition to, or instead of, directing the levy or increase of any of the said taxes, direct by notification that any sum of money which may in his opinion be required for giving effect to his orders be borrowed by debenture on the security of all or any of the said taxes at such rate of interest and upon such terms as to the time of repayment and otherwise as may be specified in the notification.

(4) The provisions of sections 145 to 156 shall, as far as may be, apply to any loan raised in pursuance of this section.

Power to suspend action of commission.

38. The Resident may, by order in writing, cancel or modify any resolution of the commission in whole or in part or suspend the execution of any resolution or

order of the commission, or prohibit the doing of any act which is about to be done, or is being done in pursuance of or under cover of this law, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is contrary to the efficient Municipal administration of the station or is likely to lead to a breach of the peace or to cause injury or annoyance to the puclic or to any class or body of persons.

Resident may take special measures on outbreak of any dangerous disease.

39. (1) In the event of the station being at any time visited or threatened with an outbreak of any disease dangerous to the public health, or in the event of anthrax, glanders, rinderpest or any other such disease affecting horses or cattle breaking out in, or being likely to be introduced into, the station, the Resident, if he thinks the ordinary provisions of this law or of any other law at the time in force are insufficient for the purpose, may—

(a) order the commission to take such special measures, and

(b) by public notice, prescribe such temporary regulations to be observed by the public or by any person or class of persons, as he may think necessary to prevent the outbreak of such disease or the spread thereof.

(2) The Resident shall forthwith report to the Governor-General in Council any orders and any regulations issued or prescribed by him under sub-section (1).

Powers of Resident over commission.

40. (1) The Resident shall see that the proceedings of the commission shall be in conformity with law and with the rules in force under any enactment for the time being applicable to the station generally or to the areas over which the commission has authority.

(2) The Resident may exercise all powers necessary for the performance of

this duty, and may, among other things, by order in writing, annul or modify any proceeding which he considers not to be in conformity with law or with such rules as aforesaid.

Powers of Resident to supersede commission in case of incompetency, persistant default or abuse of powers.

41. (1) If the commission is incompetent to perform, or persistently makes default in the performance of the duties imposed on it by or under this or any other enactment, or exceeds or abuses its powers, the Resident may, with the previous sanction of the Governor-General in Council, by a notification in which the reasons for so doing shall be stated, declare the commission to be superseded:

Provided that before taking any action under this sub section, the Resident shall communicate the grounds on which he proposes to do so, fix a reasonable period for the commission to show cause against the proposal and consider its explanation, if any. Provided also, that, in case of public emergency, such a notification as aforesaid may be issued without the previous sanction of the Governor-General in Council, but shall be forthwith reported to the Governor-General in Council and shall be subject to his orders.

(2) When the commission is superseded under sub-section (1), the following consequences shall ensue:

(a) all commissioners shall, from the date of the notification, vacate their seats:

(b) all powers and duties of the commission may, until the commission is reconstituted, be exercised and performed by such person or persons as the Resident may appoint in that behalf:

(c) all property vested in the commission shall, until the commission is reconstituted, vest in His Majesty.

(3) The Resident may, if he thinks fit, at any time constitute another commission in the place of the commission superseded under this section.

42. (1) The Resident may frame forms for any proceeding of the commission for which the Resident considers that a form should be provided, and may make rules, consistent with this law,—

Power of Resident to frame forms and make rules.

(a) with respect to the powers and duties of the commission;

(b) as to division of the station into wards, or of the inhabitants into classes, or both;

(c) as to the number of representatives proper for each ward or class;

(d) as to the qualifications of electors and candidates, for election;

(e) as to the registration of electors;

(f) as to the nomination of candidates, the time of election, and the mode of recording votes;

(g) generally for regulating all elections under this law;

(h) fixing the term of office of commissioners;

(i) prescribing the qualifications requisite in the case of persons appointed by the commission to offices requiring professional skill;

(j) as to the priority to be given to the several duties of the commission;

(k) as to the procedure to be observed for the punishment or dismissal of servants of the commission;

(l) as to the conditions on which land vested in the commission may be transferred by sale, mortgage, lease, exchange or otherwise;

(m) as to the preparation of plans and estimates for works to be constructed at the expense of the commission and as to the person by whom, and the conditions subject to which, such plans and estimates are to be sanctioned;

(n) as to the accounts to be kept by the commission, the conditions on which such accounts are to be open to inspection by inhabitants paying any tax under this law, the manner in which such accounts are to be audited and published, and the power of the auditors in respect of disallowance and surcharge;

(o) as to the preparation of estimates of the income and expenditure of the commission and the person by whom, and the conditions subject to which, such estimates are to be sanctioned;

(p) as to the returns, statements and reports to be submitted by the commission;

(q) as to the publication of notices; and

(r) generally for the guidance of the commission and public officers in carrying out the objects and purposes of this law and for all other matters necessary or incidental to the due administration of this law.

(2) Rules under clause (g) of subsection (1) may, among other matters, provide—

(i) for the investigation of allegations of corrupt practices or intimidation at elections;

(ii) for making void the election of any person proved to the satisfaction of the Resident to have been guilty of corruption or intimidation or to have connived at or abetted the exercise of corruption or intimidation on his behalf by any other person;

(iii) for rendering incapable of Municipal office either permanently or for a term of years any person whose election may have been made void as aforesaid for corruption or for connivance at or abetment of the same; and

(iv) for the definition of the practices at Municipal elections which are to be deemed to be corrupt or to amount to intimidation.

Chapter III. Election and Appointment of Commissioners.

QUALIFICATIONS & DISQUALIFICATIONS OF VOTERS, CANDIDATES AND COMMISSIONERS.

Electoral Divisions.

43. For the purposes of the election of commissioners, the Station shall be divided into such divisions as the Resident may notify.

Election of Commissioners.

44. The Resident shall notify the manner of representation to the different divisions notified in Sec. 43.

Publication of electoral roll.

45. (1) The President shall prepare and publish an electoral roll showing the names of persons qualified to be elected and to vote, divided into separate lists for each division in such manner and by such date as the Resident may notify provided that the electoral roll so published shall remain in force till the publication of a fresh electoral roll.

(2) No person whose name does not appear in the electoral roll as qualified to vote shall vote at an election.

General qualifications to vote.

46. No person shall be included in the electoral roll as qualified to vote unless ;

(a) he is a British subject or a subject of a Native State in India :

Provided that the Resident may ex-exclude from the scope of this restriction any aliens or class of aliens ;

(b) he has attained the age of twenty-one years in the year preceding that in which the electoral roll is published ;

(c) he has paid the taxes, if any, due by him under the Law up to the time of the preparation and publication of the electoral roll.

47. In order to be qualified to vote in the election of Commissioners a person must at the time of the preparation and publication of the list required by section 45, fulfil one of the following conditions, namely :—he must

(i) be the *bonafide* owner, in his own right, of a house, building, or land situate within the division for the Commissioner of which he desires to vote, and have paid for the preceding year, the municipal tax noted in the margin, or Government land revenue, to the aggregate amount of five rupees; or

Tax on houses, buildings or lands according to the annual value thereof whether for general purposes or for water supply.

(ii) be residing within the division for the Commissioner of which he desires to vote, and have paid for the preceding year, municipal taxes of one or more of the kinds noted in the margin to the aggregate amount of not less than five rupees; or

(a) Tax on Carriages, horses or other animals.
(b) Tax upon arts, professions, trades or calling.

(iii) have been, for the period of twelve months immediately preceding the said time the occupier, as owner, mortgagee or tenant, of a house situate within the division for the Commissioner of which he desires to vote, and valued for assessment purposes at not less than eight rupees per mensem: or

(iv) be a graduate of some University in the United Kingdom, or the British Colonies, or India, and be resident within the limits of the division for the Commissioner of which he desires to vote; or

(v) be the Secretary of, or some other person duly authorised in that behalf by, any company which is registered under the Indian Companies Act, 1882, or under any Act of Parliament, which has its registered office or other place of business in the division for the Commissioner of which he desires to vote, and which has for the preceding year paid taxes under the Municipal Law to the aggregate amount of not less than twenty-five rupees; or

(vi) be a person duly authorised in that behalf by a firm which has its place of business in the division for the Commissioner of which he desires to vote, and which has, for the preceding year, paid taxes under the

Municipal Law to the aggregate amount of not less than twenty-five rupees.

Provided that if any dispute arises as to class in which a Company or a firm shall be placed for the purposes of voting, the decision of the President thereon shall be final.

48. No person who is of unsound mind or a deaf-mute shall be qualified to vote and no person shall be qualified to vote during the period for which he has been declared to be disqualified by a judicial order passed under section 66, and still in force.

Disqualification of voters.

49. In order to be qualified for election as a Commissioner a person must:—

Qualifications of candidates.

(a) have completed his twenty-fifth year.

(b) have a sufficient knowledge of the English language to be able to speak to a motion or to follow debates in that language;

(c) be, at the time of the preparation and publication of the lists required by Section 45, a resident within municipal limits; and

(d) have been for a period of two years immediately preceding the publication of the said lists the occupier, as owner, mortgagee or tenant, of a house within such limits, which is valued for assessment purposes at not less than rupees thirty per mensem; or have paid, on his own behalf, for the year immediately preceding the said time, municipal taxes of one or more kinds noted in the margin, or Government land revenue to the aggregate amount of not less than twenty rupees.

(a) Tax on carriages, horses, or other animals.
(b) Tax on arts, professions, trades or callings.
(c) Tax on houses buildings or lands, according to the annual value thereof whether for general purposes or for water supply.

Provided that when an undivided Hindu family has paid double the taxes or land revenue herein mentioned, any one member thereof, having the other qualifications required, shall be eligible to be elected a Commissioner.

Provided also that no person shall be elected a Commissioner unless his name has been previously entered as a person qualified for election in the lists referred to in section 45.

Disqualification of candidates.

50. A person shall be disqualified for election as a Commissioner if he—

(a) is an officer or servant of the Municipal Commission; or

(b) is an uncertificated bankrupt or an undischarged insolvent; or

(c) has been convicted of any such offence, or has been subjected by a Criminal Court to any such order as implies, in the opinion of the Sessions Judge, a defect of character which unfits him to be a Commissioner; or

(d) has been declared by notification in any Government Gazette to be disqualified for employment in, or has been dismissed from the public service; or

(e) has been disqualified under section 51; or

(f) is interested, otherwise than as a share-holder in a Joint Stock Company, in any contract made with the Commission.

A share or interest in a newspaper, in which any advertisement relating to the affairs of the Municipal Commission may be inserted, is not a disqualification within the meaning of this clause.

"(g) is not a British subject or a subject of any state in India. Provided that the Resident may, with the approval of the Governor-General in Council, exclude from the scope of this restriction any person or class of persons who are not British subjects or subjects of any State in India."

"(h) is in arrears of any taxes due to the Municipal Commission at the time of the preparation of the Election list."

(i) is declared to be disqualified by a Judicial order passed under section 66 and still in force.

51. (1) The Resident may, by notification, remove any Commissioner,

Powers of the Resident as to removal of Commissioners.

(a) if he refuses to act, or becomes, in the opinion of the Resident, incapable of acting or has been declared a bankrupt or an insolvent or convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Resident, a defect of character which unfits him to be a Commissioner;

(c) ~~(b)~~ if he has been declared by notification in any Government Gazette to be disqualified for employment in, or has been dismissed from the public service;

(d) ~~(c)~~ if he has absented himself for more than three consecutive months from the meetings of the Commission;

(e) ~~(d)~~ if his continuance in of in the opinion of the Resident, danger the public peace or order; or

(f) ~~(e)~~ in the case of a salaried of the Government, if his continua office is, in the opinion of the Reside necessary or undesirable.

(b) If any sum recoverable from him under this Law has remained unpaid for a period exceeding two months from the date of service of a bill for the same.

"(g) if his continuance in office is, in the opinion of the Resident to be recorded in writing, incompatible with the efficient municipal administration of the Station".

~~(2)~~ A person removed under this section shall be disqualified for election unless and until the Resident otherwise directs.

(2) "A person removed under clauses (a), (b) or (e) of this Section shall be disqualified for election unless and until the Resident otherwise directs and a person removed under clauses (c) or (d) shall be disqualified for election for a period of five years."

GENERAL RULES FOR ELECTION AND APPOINTMENT.

52. (1) The term of office of divisional commissioners shall, save as otherwise expressly provided, be three years beginning and expiring at noon on the first day of December.

Elections of divisional commissioners.

(2) Vacancies arising by efflux of time in the office of divisional commissioners shall be filled at ordinary elections, which shall be fixed by the Resident to take place on such days in the month of November next preceding the vacancies as he thinks fit.

(3) A casual vacancy in the office of divisional commissioner shall be filled at a casual election which shall be fixed by the Resident to take place as soon as may be after the occurrence of the vacancy:

Provided that no casual election shall be held to fill a vacancy occurring within three months before the ordinary date of retirement and that such vacancy shall be filled at the next ordinary election.

(4) A divisional commissioner elected at a casual election shall enter upon office forthwith but shall hold office so long only as the Commissioner in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

Notifications of elections appointments and vacancies.

53. Every election and appointment of a commissioner, shall be notified by the Resident.

Election of same person for more than one division.

54. (1) If any person has been elected for more divisions than one, he shall within three days from the date of the last of such elections intimate to the Resident through the President the division for which he chooses to serve.

(2) In default of such intimation the Resident shall notify the division for which such person shall serve.

(3) The said person shall be deemed to have been elected only for the division so chosen or so notified as the case may be; and the vacancies thereby arising in the representation of other divisions shall be filled by fresh elections.

Procedure in case of equality of votes.

55. If there is an equality of votes between two or more candidates, the President shall after notice to all such candidates decide by drawing lots which candidate shall be deemed to have been elected.

Power of Local Government to make election rules.

56. (1) The Resident may make rules regulating the procedure with regard to divisional and other elections.

(2) Without prejudice to the generality of sub-section (1) such rules may—

(a) regulate the preparation, revision and publication of the electoral roll;

(b) provide for the adjudication of disputes relating to the electoral roll or arising out of elections.

ELECTION OFFENCES.

Offences in respect of electoral list.

57. (1) Every person who by claiming a qualification to vote or to be elected which he knows he does not possess or by using false documents or by a false declaration or by any other deceitful means procures the improper entry of any name in the electoral roll or the improper omission of any name therefrom shall be punished with imprisonment of either description which may extend to three months or with fine or with both.

(2) Every Municipal officer or servant or polling officer who wilfully makes or procures any improper entry in the electoral roll or any improper omission therefrom shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

Bribery.

58. (1) Every person who with intent to procure in the interests of himself or any other person the vote of any voter or his abstention from voting or the withdrawal of a candidate—

(a) lends or agrees to lend, offers, promises or gives to any person any property, money, valuable security, public or private employment or any gratification whatever other than a benefit affecting the public in general, or

(b) offers, promises or gives to any person the means of obtaining an electoral qualification for himself or any other person,

shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

(2) Every voter or candidate who accepts any such offer, promise or gift or contracts for or accepts a loan as a motive or reward for voting or abstaining from voting or for withdrawing his candidature shall be punished with the same punishment.

Explanation.—No agent, clerk, messenger or other person who may, in accordance with rules made by the Resident be employed for remuneration by a candidate at an election shall by reason of such employment alone be deemed to be within this section.

59. Every person who—

Undue influence.

(a) threatens any voter or candidate with injury to his person, reputation, or property, or to the person or reputation of any one in whom he is interested, with intent—

(i) to induce such voter to vote for any candidate or to abstain from voting, or

(ii) to induce such candidate to withdraw his candidature, or

(b) (i) commits wrongful restraint,

(ii) publishes statements which he knows to be false, and which materially affect a candidate or his election or

(iii) employs any deceitful means and thereby prevents the free exercise of the right of any voter or candidate,

shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

60. (1) Every person who applies for a ballot paper at an election, knowing that he is not qualified to vote thereat, shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

Fraudulent voting and personation.

(2) Every person who applies for a ballot paper in the name of any other person living or dead, or of a fictitious person, shall be punished with the same punishment.

Infringement of secrecy of election.

61. Every polling officer, clerk or other person in attendance at the polling room who, except for some purpose authorized by law, communicates to any person any information showing directly or indirectly for which candidate any voter has voted, and every person who by any improper means procures any such information, shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

Offences by polling officers.

62. Every polling officer who permits a person to vote knowing that such person is not entitled to vote, or who prevents a person from voting knowing that such person is entitled to vote, shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

Falsifying result of election.

63. Every person who in the course of electoral operations falsifies or attempts to falsify the record of an election by removing, destroying, altering or fabricating nomination papers or voting papers or by any other act or by any omission, shall be punished with imprisonment of either description which may extend to one year or with fine or with both.

Procedure before magistrate.

64. No magistrate shall take cognizance of any offence punishable under sections 57 to 63 (both inclusive)—

(a) except on the complaint of a person whose name is on the electoral roll, and

(b) unless such complaint has been made within seven days of the date of the declaration of the result of any election to which the offence relates, or within seven days of the date on which the offence is alleged to have been committed.

Appeal to the Resident.

65. An appeal shall lie to the Court of the Resident from any conviction and sentence passed under sections 57 to 63.

66. Every person convicted of an offence punishable under sections 57 to 63 shall be disqualified from voting or from being elected in any election to which this Law applies or from holding the office of commissioner under this Law for such period, not being less than three years or more than seven years from the date of his conviction, as the court may by order determine.

Order of disqualification.

Chapter IV.

GENERAL POWERS OF MUNICIPAL AUTHORITIES AS TO PROPERTY, CONTRACTS, ESTABLISHMENT.

67. The commission may accept trusts relating exclusively to the furtherance of purposes to which the Municipal fund may be applied.

Limitation of power to accept property in trust.

~~66.~~ "The Commission may write off such sums due to it as appear to be irrecoverable."

Power to write off irrecoverable sums.

68. Subject to the provision of section 74 the commission may, for the purposes of this law, acquire moveable or immoveable property within or without the station or any interests in such property;

Acquisition of property and interests therein

Provided that—

(a) the President shall be bound by any resolution of the standing committee or commission fixing terms, rates or maximum prices for a particular case or for any class of cases;

(b) the sanction of the standing committee shall be required for the exchange of any immovable property, for the taking of any property on lease for a term exceeding twelve months, or for the acceptance of any gift, or bequest of property burdened by any obligation; and

(c) the sanction of the commission shall be required—

(i) for the acceptance or acquisition of any immovable property if the value of the property which it is proposed to accept, acquire or give in exchange exceeds one thousand rupees.

(ii) for the taking of any property on lease for a term exceeding three years, or

(iii) for the acceptance of any gift or bequest of property burdened by an obligation if the valuation of such property exceeds one thousand rupees.

Disposal of property and interests therein.

69. (1) The President may dispose by sale or exchange of any movable property the value of which does not exceed Rs. 500 in each instance, or grant for any terms not exceeding twelve months a lease of any immovable property or a lease or concession of any right of fishing or grazing or of gathering and taking fruit and the like:

Provided that every such disposal, lease or concession made or granted by the President shall be reported to the standing committee within fifteen days.

(2) With the sanction of the standing committee, the President may dispose by sale or exchange of any movable property the value of which does not exceed Rs. 1,000 in each instance or grant for any term not exceeding three years a lease of any immovable property, or a lease or concession of any such right as aforesaid.

(2) (3) With the sanction of the commission the President may lease, sell or otherwise dispose of any Municipal property, movable or immovable.

(4) The sanction of the standing committee under sub-section (2) or that of the commission under sub-section (3) may be given either generally for any class of cases or specially for any particular case.

Procedure for acquisition of immovable property under the Land Acquisition Act, 1894.

70. Any immovable property which any Municipal authority is authorised by this Law to acquire may be acquired under the provisions of the Land Acquisition Act, 1894, and on payment of the cnmpensation awarded under the said Law in respect of

such property and of any other charges incurred in acquiring it, the said property shall vest in the commission.

CONTRACTS.

71. The commission may determine either generally for any class of cases or specially for any particular case whether the works shall be executed by contract or otherwise.

Power of commission to determine whether works shall be executed by contract.

72. (1) The President may sanction any estimate the amount of which does not exceed Rs. 2,000.

Power of the several authorities to sanction estimates.

(2) When the amount of the estimate exceeds Rs. 2,000 but does not exceed Rs. 5,000, the sanction of the standing committee shall be required.

73. (1) Where a project is framed for the execution of any work or series of works the entire estimated cost of which exceeds 5,000 rupees.

Works costing more than 5,000 Rupees.

(a) the President shall cause a detailed report to be prepared including such estimates and drawings as may be requisite and the standing committee shall lay the same before the commission;

(b) the commission shall consider the report and may reject the project or approve it either in its entirety or subject to modifications;

(2) (a) Where the commission approves the project and the entire estimated cost exceeds 10,000 rupees, the report, subject to any modifications as aforesaid, shall be submitted to the Resident.

(b) The Resident may reject the project or may sanction it either in its entirety or subject to modification.

(c) The work shall not be commenced until the project has been sanctioned by the Resident with or without modification.

(d) No material change in the project sanctioned as aforesaid shall be carried into effect without the sanction of the Resident.

General provisions regarding contracts.

74. (1) The commission may enter into and perform all such contracts as it may consider necessary or expedient for carrying into effect the provisions of this Law.

(2) With respect to the making of contracts under or for any purpose of this Law, the following provisions shall have effect, namely—

(a) every contract shall be made on behalf of the commission by the President;

(b) No contract for any purpose which, in accordance with any provision of this law, the President may not carry out without the sanction of one of the other Municipal authorities, shall be made by him unless such sanction has been given;

(c) No contract involving an expenditure exceeding 2,000 rupees and not exceeding 5,000 rupees shall be made by the President unless it has been sanctioned by the standing committee;

(d) No contract involving an expenditure exceeding 5,000 rupees shall be made by the President unless it has been sanctioned by the commission;

(e) Every contract made by the President involving an expenditure exceeding 500 rupees and not exceeding 2,000 rupees shall be reported to the standing committee within fifteen days after it has been made.

(3) The provisions of sub-section (2) shall apply to any variation of a contract involving an increase of more than ten per centum on the expenditure involved in the original contract.

Mode of making contracts.

75. (1) Every contract entered into by the President on behalf of the commission shall be entered into in such manner

and form as would bind him if it were made on his own behalf, and may in like manner and form be varied or discharged :

Provided that—

(a) the common seal of the commission shall be affixed to every contract, and

(b) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding 200 rupees shall be in writing and shall be sealed with the common seal of the commission and shall specify—

(i) the work to be done or the materials or goods to be supplied, as the case may be,

(ii) the price to be paid for such work, materials or goods, and

(iii) in the case of a contract for work, the time within which the work or specified portions thereof shall be completed.

(2) The common seal of the commission shall remain in the custody of the President and shall not be affixed to any contract or other instrument except in the presence of the President or of two members of the standing committee, and the President or the said two members shall sign the contract or instrument in token that the same was sealed in his or their presence.

(3) No contract executed otherwise than as provided in this section shall be binding on the commission.

Invitation of tenders.

76. (1) At least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding 500 rupees, the President shall give notice by advertisement inviting tenders for such contract :

Provided that the standing committee may, for reasons which shall be recorded in its proceedings, authorise the President to enter into a contract without inviting tenders.

(2) On receipt of the tenders made in pursuance of the notice given under sub-section (1), the President may, subject to the provisions of section 74, accept any tender which appears to him, upon a view of all the circumstances to be the most advantageous but he shall not reject all the tenders without the sanction of the standing committee.

Saving of certain irregularities

77. When work is given on contract at unit rates and the number of units is not precisely determinable, the contract shall not be deemed to contravene the provisions of sections 74, 75 or 76 merely by reason of the fact that the pecuniary limits therein laid down are eventually exceeded.

Security for performance of contracts.

78. The President shall take sufficient security for the due performance of every contract into which he enters after a tender has been accepted, and may take security for the due performance of any other contract into which he enters under this Law.

ESTABLISHMENT.

The Health Officer, the Engineer, the Secretary and Revenue officer.

79. (1) The President shall appoint a health officer, an engineer and a secretary and revenue officer, who shall be heads of departments working under the President:

Provided that the monthly salary of the health officer and the engineer shall not be less than four hundred rupees and shall not exceed twelve hundred rupees and the monthly salary of the secretary and revenue officer shall not be less than two hundred rupees and shall not exceed six hundred rupees.

(2) The said officers shall be whole-time officers of the commission and shall not undertake any work unconnected with their respective offices without the sanction of the commission.

80. The Resident may appoint—

Special superior appointments.

(a) special health officers for the purpose of making investigations and proposing preventive or remedial measures with reference to the occurance of any unusual mortality or the prevalence or apprehended outbreak of any dangerous disease within the Station ;

(b) special engineers, architects or experts in town improvement or town planning for the purpose of preparing, executing or supervising any special scheme undertaken by the commission ;

(c) special revenue officers for the purpose of carrying out a periodical revision of assessment, introducing a new tax or discharging any extraordinary duty connected with the revenue administration of the commission :

Provided that—

(i) No such special office shall be created without the consent of the commission ;

(ii) The period of duration of any such office, the salary, the allowances and the conditions of service attaching thereto shall be fixed by the Resident after consultation with the commission,

(iii) If the commission withholds its consent and the Resident is of opinion that such consent has been withheld without sufficient reason he may make such appointment and report the matter to the Governor-General in Council immediately.

81. (1) Any officer appointed under section 79, or section 80 may be removed from office by the Resident, and shall be so removed if his removal is recommended by a resolution of the commission passed at a special meeting called for the purpose and supported by the votes of not less than two-thirds of the number of commissioners.

Removal and leave, pensionary and leave contributions of superior officers.

(2) Leave may be granted to any such officer by the President for periods not exceeding one month and by the Resident for longer periods.

(3) If any such officer is a civil or military officer in the service of the Government, the commission shall contribute to his leave allowances, pension and provident fund to the extent required by the regulations of the Governor-General in Council for the time being in force with respect to civil and military officers.

(4) If any such officer is not a civil or military officer in the service of the Government, his leave and leave allowances, his superannuation or retirement, his gratuity or pension and the proportions of his pensionary or provident fund contribution payable respectively from his salary and from the municipal fund shall be governed by regulations approved by the Resident:

Provided that—

(a) the amount of any such leave and leave allowances, gratuity or pension shall in no case without the special sanction of the Resident exceed what would be admissible in the case of government servants of similar standing and statue ; and

(b) the conditions under which such allowances are granted, or any leave, superannuation or retirement is sanctioned, shall not without similar sanction be more favourable than those for the time being prescribed for such government servants.

Power of Local Government to appoint special health officers.

82. In the event of the occurance of any unusual mortality or the prevalence or apprehended outbreak of any dangerous disease within the Station the Resident if he considers immediate action necessary, may of his own motion appoint a special health officer wholly or partly at the expense of the Municipal fund:

Provided that—

(a) the duration of the special office shall not exceed six months.

and (b) the commission shall not be bound to pay more than three hundred rupees per mensem on account thereof.

Appointments to commission establishment.

83. Subject to the provisions of sections 79, 80 and 82 appointments to the commission establishment shall be made—

(a) by the commission, if the maximum monthly salary of the office exceeds one hundred and fifty rupees,

(b) by the president in all other cases.

Establishment schedule.

84. (1) The President shall, from time to time, lay before the standing committee a schedule setting forth the designations and grades of the officers and servants who should in his opinion constitute the commission establishment, and embodying his proposals with regard to the salaries fees and allowances payable to them.

(2) The standing committee may either approve or amend such schedule as it thinks fit and shall lay it before the commission with its remarks if any.

(3) The commission shall sanction such schedule with or without modifications as it thinks fit and may from time to time amend it at the instance of the President and standing committee:

Provided that no new office shall be created without the sanction of the Resident if the maximum monthly salary exceeds one hundred rupees.

Restriction of employment of establishment.

85. No officer or servant shall be entertained on the commission establishment unless he has been appointed under section 79, 80 or 82 or unless his office and emoluments are included in the schedule sanctioned under section 84.

President controls commission establishment.

86. Subject to the provisions of this Law and to the bye-laws and regulations for the time being in force, the President shall prescribe the duties of the com-

mission establishment and exercise supervision and control over their acts and proceedings and dispose of all questions relating to their conduct, service, pay, allowances, leave, pension and provident fund privileges.

Contributions in respect of government servants.

87. If an officer or servant serving or having served under the commission is or has been transferred from or to the service of the Government, or is employed partly by the Government and partly by the commission, the commission shall contribute to his pension and leave allowances to the extent required by the rules made by the Governor-General in Council in this behalf and for the time being in force.

Power of the Commission to frame service regulations.

88. Subject to the provisions of sections 80, 81 and 87 the commission may frame regulations in respect of its establishment—

(a) fixing the amount and nature of security to be furnished;

(b) prescribing education or other qualifications;

(c) regulating the grant of leave, leave allowances and acting allowances;

(d) regulating the grant of pensions and gratuities;

(e) establishing and maintaining provident funds and making contribution thereto compulsory;

(f) regulating conduct; and

(g) generally prescribing conditions of service:

Provided that every regulation so framed shall be subject to confirmation by the Resident. Provided also (i) that the amount of any leave and leave allowances, gratuity or pension granted under these regulations shall in no case without the special sanction of the Resident exceed what would be admissible in the case of government servants

of similar standing and status, and (ii) that the conditions under which such allowances are granted or any leave, superannuation or retirement is sanctioned shall not without similar sanction be more favourable than those for the time being prescribed for such government servants.

Power to punish establishment.

89. (1) Any officer or servant other than an officer appointed under section 79 or section 80 may be fined, reduced, suspended, removed or dismissed by the authority competent to appoint him; and the order of such authority shall be final:

Provided that any officer or servant in receipt of a salary of not less than thirty rupees may appeal to the commission against any order of the President removing or dismissing him or suspending him for a period of more than three months.

Provided also that any officer or servant may appeal to the Resident against any order of the commission removing or dismissing him or suspending him for a period of more than three months.

(2) Pending a resolution of the commission the President may suspend any officer appointed by that authority:

Provided always that he shall forthwith report to the commission the reasons for his action.

Power to grant leave to establishment.

90. Save as provided in section ~~81~~ 80 leave may be granted to the commission establishment by the President.

PART III.

TAXATION AND FINANCE.

Chapter V. Taxation.

ENUMERATION OF TAXES.

Enumeration of taxes, duties and tolls.

91. The commission may with the previous sanction of the Resident levy—

(a) a property tax on buildings and lands,

(b) a tax on companies,

(c) a profession tax,

(d) a tax on carriages and animals,

(e) a tax on carts,

(f) an octroi on animals or goods or both brought within the octroi limits,

(g) tolls on vehicles and animals entering the station and may, with the previous sanction of the Governor-General in council, levy,

(h) a duty on certain transfers of property in the shape of an additional stamp duty,

(i) any other tax.

THE PROPERTY TAX.

92. The tax on buildings and lands within the station save those exempted by or under this law or any other law for the time being in force or by notification under this law shall be levied at a rate

Tax on buildings and lands.

(1) not exceeding ten per cent on the annual value or

(2) not exceeding one anna per square yard of the ground area, or

(3) not exceeding three rupees per running foot of frontage in streets or bazaars.

93. (1) Every buildings hall be assessed together with its site and other adjacent premises occupied as appurtenances thereto unless the owner of the building is a different person from the owner of such site or premises.

Method of assessment of property tax.

(2) The annual value of lands and buildings shall be deemed to be the gross annual rent at which they may reasonably be expected to let from month to month or from year to year,

Provided that—

(a) if the gross annual rent of buildings of a class not ordinarily let cannot, in the opinion of the President be estimated, the annual value of the premises shall be deemed to be six per centum on the sum obtained by adding the estimated present cost of erecting the buildings less a reasonable amount on account of depreciation, if any, to the estimated value of the land valued with the buildings as part of the premises,

(b) Provided also that, in the case of land assessed to land revenue or of which the land revenue has been wholly or in part released, compounded for, redeemed or assigned, the annual value shall, if the Resident so direct, be deemed to be double the amount of the land revenue for the time being assessed on the land, whether such assessment is leviable or not, or when the land revenue has been wholly or in part compounded for or redeemed, double the amount which, but for such composition or redemption would have been leviable.

(c) machinery and furniture shall be excluded from valuations under this section.

General exemptions.

94. The following buildings and lands shall be exempt from the property tax :—

(a) buildings set apart for public worship and either actually so used or used for no other purpose ;

(b) hospitals,

(c) burial and burning grounds included in the list published by the commission under section 323(3) of this Law.

(d) all such property of Government not being buildings as may from time to time be notified by the Resident,

(e) any building the annual value whereof is less than eighteen rupees and the owner whereof has no other building or land assessed to the property tax.

95. When the commission has undertaken the house scavenging of any house or building, it may charge the owner or occupier of such house or building, in respect of the house-scavanging done therein with a tax imposed in the manner directed by this Law at such rate as it may think fit.

House scavenging tax.

96. (1) Besides the taxes mentioned in the foregoing sections, the commission, with the previous sanction of the Governor-General in Council, may, for the purpose of constructing or maintaining works for the supply of water to the station, or paying the principal or interest of any loan raised for the construction of such works, impose, in the manner directed by this law, a tax, to be called the water tax, upon buildings or lands which are so situated that their occupiers can benefit by the works.

Water tax.

(2) The rate or amount of the water tax imposed on different buildings or lands may be determined with reference, among other considerations, to their distance from the nearest point at which water is deliverable by the works, and to their level, but in fixing it regard shall be had to the principle that the total net proceeds of the tax, with the estimated income from the payments for water supply from the works under special contracts, should not exceed the amount required for the said purposes.

97. The property tax on buildings and lands shall, subject to the prior payment of the land revenue, if any, due to the Government thereon, be a first charge upon the said buildings or lands and upon the movable property, if any, found within or upon such buildings or lands and belonging to the person liable to such tax.

Property tax, a first charge on property and movables.

98. Any tax imposed under this law shall be payable on such dates and in such instalments (if any) as the commission may from time to time direct.

Taxes when payable.

99. When any building has been va-
Vacancy remission. cant for thirty consecutive days in any half year, the President may remit so much of the tax due for such half year, as is proportionate to the number of days during which the building was vacant.

100. (1) Whenever the title of any person
Obligation of transferor and transferee to give notice of transfer primarily liable to the payment of the property tax on any premises to or over such premises is transferred, the person whose title is transferred and the person to whom the same shall be transferred shall, within three months after the execution of the instrument of transfer or after its registration if it be registered or after the transfer is effected, if no instrument be effected, give notice of such transfer to the President.

(2) In the event of the death of any person primarily liable as aforesaid the person to whom the title of the deceased shall be transferred as heir or otherwise shall give notice of such transfer to the commission within one year from the death of the deceased.

(3) The notice to be given under this section shall be in such forms as the commission may direct and the transferee or the person to whom the title passes, as the case may be, shall, if so required, be bound to produce before the President any documents evidencing the transfer or succession.

(4) Every person who makes a transfer as aforesaid without giving such notice to the commission shall continue liable for the payment of the property tax assessed on the premises transferred until he gives notice or until the transfer shall have been recorded in the Municipal registers, but nothing in this section shall be held to affect—

(a) the liability of the transferee for the payment of the said tax, or

(b) the prior claim of the commission under section 97.

101. If any building is constructed or reconstructed, the owner shall give notice thereof to the commission within fifteen days from the date of its completion or occupation whichever is earlier.

Owner's obligation to give notice of construction or reconstruction of Building.

102. (1) If any building is demolished, the owner shall give notice thereof to the commission.

Owners' obligation to give notice of demolition of building and liability on failure.

(2) Until such notice is given the said owner shall be liable, at the discretion of the President, for the payment of the property tax which would have been leviable had such building not been demolished.

103. (1) For the purpose of assessing the property tax, the President may, by notice, call on the owner or occupier of any building or land to furnish him, within a week after the service of the notice, with returns of the rent payable for the building or land, the cost of erecting the building and the measurements of the land, and every owner or occupier upon whom any such notice is served shall be bound to comply with it and to make a true return to the best of his knowledge or belief.

President's power to call for information and to enter upon premises.

(2) For the purpose aforesaid the President may enter, inspect, survey and measure such building or land, after giving twenty-four hours notice to the owner or occupier.

104. The commission may exempt any building or land from the property tax—

Power to commission to exempt from taxation.

(1) if the annual value of the same does not exceed Rupees Thirty Six and

(2) the owner does not own any other building or land assessed to the property tax and is not liable to income-tax.

TAX ON COMPANIES.

105. Every incorporated company transacting business within the station for profit or as a benefit society shall pay by way of licence fee in addition to any other licence fee that may be leviable under this law a half-yearly tax on its paid-up capital on such scale as may by Bye-laws be fixed but in no case exceeding rupees one thousand, if and as soon as it has transacted business in the station for the period prescribed in section 108.

Taxation of companies trading for sixty days in half-year on their capital.

Explanation.—Whenever a company has an office, agent or firm to represent it for the purpose of transacting business in the station, such company shall be deemed to transact business in the station and such office, agent or firm shall be liable for the tax in respect of the company's business, whether or not such office, agent or firm has power to make binding contracts on behalf of the company.

PROFESSION TAX.

106. (1) Every person not liable for the companies' tax who, within the station and for the period prescribed in section 108, exercises a profession, art, trade or calling or holds any appointment, public or private, bringing him within one or more of the classes of persons specified by Bye-law shall pay by way of licence fee and in addition to any other licence fee that may be leviable under this law a tax as determined under the said rules but in no case exceeding rupees five hundred in the half year; and such tax may be described as the profession tax.

Licence tax on professions, arts, trades, callings & appointments.

Explanation 1.—Every person who exercises a profession, art, trade or calling or holds any appointment within the limits of the lands specified in section 4 shall be deemed to exercise such profession, art, trade or calling or to hold such appointment within the station.

Explanation 2.—A person in receipt of a pension paid from any source shall be

deemed to be a person holding an appointment within the meaning of this section.

(2) A person shall be chargeable under the class appropriate to his aggregate income from all professions, arts, trades, callings and appointments exercised or held by him.

Liability of member of firm or undivided family for profession tax.

107. The profession tax leviable from a firm or undivided Hindu Family may be levied from any member of that firm or family.

PROVISIONS COMMON TO COMPANIES AND PROFESSION TAX.

Payment when due and notice to pay.

108. If for sixty days in the aggregate in any half year any company transacts business or any person exercises a profession, art, trade or calling or holds any appointment rendering him liable to the profession tax, such company or other person shall become liable for the companies or profession tax, as the case may be, and if the tax due in respect of the half year is not paid, the commission shall cause a notice to be served on such person to pay it within fifteen days from the date of such service.

Requisition on owner or occupier to furnish list of persons liable to tax.

109. The commission may by notice require the owner or occupier of any building or land and every secretary or manager of a hotel, boarding or lodging house, club or residential chambers to furnish within a specified time a list in writing containing the names of all persons occupying such building or land and specifying the profession, art, trade or calling, or appointment of every such person and the rent, if any, paid by him.

Requisition on employers or their representatives to furnish list of persons liable to tax.

110. The commission may by notice require any employer or the head or secretary or manager of any public or private office, hotel, boarding house or club, or of a firm or company—

(a) to furnish within a specified time a list in writing of the names of all persons employed by such employer or by such office, hotel, boarding house or club, firm or company as officers, servants, dubashes, agents, suppliers or contractors with a statement of the salary or income of each of such employed persons; and

(b) to furnish particulars in regard to any incorporated company of which such employer, head, secretary or manager, as the case may be, is the agent.

TAX ON CARRIAGES AND ANIMALS.

General provisions regarding tax on carriages and animals.

111. (1) The tax on carriages and animals shall be levied by half-yearly instalments on carriages and animals kept within the station which are of the kinds specified by Bye-law.

(2) The rates of the tax shall be determined by the commission with the approval of the Resident, provided always that they shall not exceed the maxima laid down by such Bye-law.

Liability to tax according to period for which carriage or animal has been kept.

112. (1) Every person having possession, custody or control of any taxable carriage or animal shall be liable for the full half-yearly tax if the carriage or animal has been kept within the station for an aggregate period of not less than sixty days in the half year.

Provided that if such aggregate period exceeds fifteen days but is less than sixty days, a moiety only of the half yearly tax shall be leviable.

(2) Every person having possession, custody or control of any taxable carriage or animal within the station shall, until the contrary is shown, be presumed to have kept the same within the station for sixty days in the half year—

(3) Notwithstanding anything contained in sub-section (1) no person shall be

liable to taxation during any half-year on account of any carriage or animal in respect of which the full tax for the same half year has already been paid by some other person.

113. The carriage and animal tax shall not be levied on—

Exemptions.

(a) carriages and animals belonging to the Government;

(b) carriages and animals belonging to members of the police or to officers or servants of the commission employed on out-door duties, provided always that exemption under this clause shall not extend to more than one carriage and two animals for any one such person

(c) carriages and animals kept solely for sale by carriage-makers and dealers

(d) carriages which have been under repair or standing at a carriage-maker's during the whole of the half year;

(e) animals which during the whole of the half-year have been kept in any institution for the reception of infirm or disused animals or which are certified by a veterinary surgeon to have been unfit for use during the whole of the half year;

(f) horses belonging to mounted officers as defined in the regulations made from time to time under the Indian Defence Force Act, 1917, and to soldiers who are members of Light Horse, Mounted Rifles, or Mounted Infantry regiments squadrons or platoons provided always that exemption under this clause shall not extend to more than one horse for each officer or soldier;

(g) motor-cycles belonging to officers and soldiers of a motor cycle company, platoon or section or to other officers and soldiers whose motor cycles are certified by the officer commanding their corps to be in good order and of actual service for the work of the corps provided always that exemption under this clause shall not extend to more than one motor cycle for each officer or soldier;

(h) bicycles belonging to and solely used by bona-fide members of cyclist sections of the Indian Defence Force provided always that exemption under this clause shall not extend to more than one bicycle for each officer or soldier ;

Composition.

114. With the sanction of the standing committee or in accordance with regulations framed by that body, the President may compound, for any period not exceeding one year, with any livery stable-keeper or other person keeping carriages and animals for sale or hire, for a certain sum to be paid in lieu of the carriage and animal tax.

Requisition on occupier to furnish statement of persons liable to tax.

115. (1) The President may by notice require the occupier of any premises to furnish him with a statement—

(a) showing the name and address of every person who has possession, custody or control of any carriage or animal which is kept in such premises and is liable to the carriage and animal tax;

(b) containing a description of every such carriage or animal ;

(2) The occupier shall sign the statement and transmit it to the Municipal office within one week from the date of his receipt of the notice.

Grant of licence on payment of tax.

116. When any person pays the amount of tax due in respect of any carriage or animal, the President shall grant him a licence to keep such carriage or animal for the period to which the payment relates.

Power to require numbers to be affixed to bicycles etc.

117. (1) The President may direct that a municipal number shall be affixed—

(a) to every carriage let out for hire within the station, and

(b) to every bicycle and tricycle kept within the station.

Provided that no municipal number shall be requisite in the case of carriages to which the Indian Motor Vehicles Act, 1914, or the Hackney Carriage Act, 19 is applicable.

(2) The numbers affixed under sub-section (1) shall be registered in the Municipal office.

Obligation of Commissioner of Police to satisfy himself of payment of municipal tax on hackney carriage before registering it.

118. Before registering any hackney carriage under the Hackney Carriage Act, 19 , the registering officer shall satisfy himself that the commission has received payment of the tax, if any, due under section 111 on account of the last preceding half year and the current half-year.

TAX ON CARTS.

Registration of carts.

119. (1) Every owner of a cart kept or let out for hire within the station shall register it at the Municipal office once in each half-year.

Fee for registration.

(2) Such tax not exceeding four rupees as the President may fix shall be paid on each registration under sub-section (1).

Provided that in the case of a cart on account of which tax has already been paid by a previous owner no further tax shall be payable in respect of a subsequent registration duing the same half year.

Affixing number on carts.

(3) The President may direct that a municipal number shall be affixed to every registered cart.

Notification of dates of registration.

(4) The President shall notify certain days in every half year for the registration and numbering of carts and the payment of the tax.

Entry of registration in book.

(5) All registrations made and numbers affixed under this section shall be entered in a book to be kept for the purpose at the Municipal office.

(6) Such book shall be open to the inspection of any tax-payer at all reasonable times without charge.

Inspection of register.

120. Nothing in section 119 shall apply to—

Exemptions.

(a) gun carriages, ordnance carts or wagons or other such property of the Government; and

(b) carts kept solely for sale by cart-makes and dealers.

121. The President may remit the whole or a portion of the cart-tax in respect of any cart which is shown to his satisfaction to have been kept or let out for hire within the station for an aggregate period not exceeding fifteen days in the half-year or to have been under repair or standing at a cart maker's during the whole of the half year.

Power to remit tax on cart kept for less than fifteen days or not used.

POWER TO SEIZE CARRIAGES AND CARTS NOT BEARING NUMBERS.

122. If a municipal number is not affixed to a carriage or cart in pursuance of a direction issued under section 117 or 119 as the case may be, the President may at any time seize and detain the vehicle and the animal, if any, by which it is drawn;

Seizure of vehicles not bearing numbers.

Provided that no vehicle other than a bicycle, tricycle, motor-cycle, or rickshaw shall be seized or detained when actually employed in the conveyance of any passenger or goods.

123. (1) If a vehicle or animal is detained under section 122 and the owner or other person entitled thereto, does not claim the same and pay the tax, if any, due thereon within ten days from the date of seizure, the President may direct that the vehicle or animal shall be sold in public auc-

Procedure after seizure.

tion and the proceeds of the sale applied to the payment of—

(a) the tax, if any, due on the vehicle or animal sold;

(b) such penalty not exceeding the amount of the tax as the President may direct; and

(c) the charges incurred in connection with the seizure, detention and sale,

(2) If there is a surplus after such payment, the commission shall on demand made within six months from the date of sale, make it over to the owner or other person entitled thereto. If no such demand is made, such surplus shall be forfeited to the commission.

(3) If the owner of the vehicle or animal or other person entitled thereto claims the same within ten days from the date of seizure or at any time before the sale, it shall be returned to him on payment of—

(i) the tax due thereon;

(ii) such penalty not exceeding the amount of the tax as the President may direct, and

(iii) the charges incurred in connection with the seizure and detention.

OCTROI DUTIES.

Tax on animals or goods.

124. (1) The octroi on animals or goods brought into the station shall be levied at such rates and in such manner as may be determined by the commission;

Provided that such rates shall not exceed the rates prescribed by Bye-law.

Provided also that when any animals or goods in respect of which the tax has been paid is exported beyond the station, nine-tenths of the tax levied thereon shall be refunded.

(2) No animals or goods shall be brought into the station unless the tax due thereon be paid.

(3) The commission may make Bye-laws for the seizure and sale of animals or goods in respect of which the octroi due is not paid.

Power to examine and search for article liable to octroi.

125. (1) Every person bringing or receiving within the octroi limits of the station any article liable to octroi shall, when required by an officer authorised by the President in this behalf, and so far as may be necessary for ascertaining the amount of tax chargeable,

(a) permit that officers to inspect, examine, weigh and otherwise deal with the article; and

(b) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature which he may possess relating to the article.

(2) If any person bringing or receiving any conveyance or package within the octroi limits of the station refuses, on the demand of an officer authorised by the President in this behalf, to permit such officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any article liable to octroi, such officer may cause the conveyance or package to be taken without unnecessary delay before any Magistrate or Commissioner, who shall cause the inspection to be made in his presence.

Presentation of bill for octroi.

126. Every officer demanding octroi by the authority of the President shall tender to every person introducing or receiving any article on which the tax is claimed a bill specifying the article taxable, the amount claimed and the rate at which the tax is calculated.

Recovery of octroi and tolls.

127 (1) In case of non-payment of any octroi or of any toll on demand, the officer empowered to collect the

same may seize any article on which the octroi is payable, or any vehicle or animal on which the toll is chargeable, or any part of the burden carried by such vehicle or animal which is of sufficient value to satisfy the demand.

(2) The President may cause any property so seized or so much thereof as may be necessary, to be sold by auction to satisfy the demand with the expenses occasioned by the seizure custody and sale thereof, unless the demand and expenses are in the meantime paid after the lapse of five days from the seizure, and after the issue of a proclamation fixing the time and place of sale :

Provided that, by order of the President or a Vice-President, articles of a perishable nature which cannot be kept for five days without serious risk of damage, may be sold after the lapse of such shorter time as he may, having regard to the nature of the article, think proper.

Penalty for evasion of payment of octroi.

128. If goods passing within the octroi limits of the station are liable to the payment of octroi, then no person shall with the intention to defraud the commission, cause or abet the introduction of, or himself introduce or attempt to introduce, within the said octroi limits, any such goods upon which payment of the octroi due on such introduction has neither been made nor tendered.

Licence for sale of article liable to octroi.

129. (1) The commission may, with the sanction of the Resident, which shall be notified, require any person selling any article liable to octroi to obtain from the commission a licence for that purpose, and to pay therefor such fees as shall from time to time, with the approval of the Resident, be fixed in that behalf.

(2) After notification of such sanction—

(i) any person selling or keeping for sale any such article without a licence or

having in his possession any such article on which octroi has not been paid, shall be liable, on conviction before a Magistrate, to a fine not exceeding rupees one hundred, and to confiscation of all such articles in his possession ; and

(ii) any officer of the commission authorised by the commission in this behalf, if he has reason to believe that any such article on which octroi has not been paid, is kept or concealed in any premises, may, after obtaining the warrant of a Magistrate, enter and search at any time such premises, and, if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same:

Provided that any article or person, so seized or arrested shall be produced before a Magistrate exercising jurisdiction within the station within twenty-four hours from the time of seizure or arrest:

Provided also that nothing in this section shall apply to any such articles not exceeding rupees two hundred in value purchased by any person for his private use or sold by auction consequent on the owner dying or quiting the station:

(iii) the provisions of the Code of Criminal Procedure, as applied to the Station, shall, so far as may be, apply to all searches and arrests effected under this section.

(3) The Resident may by notification at any time revoke the sanction given by him under sub-section (1), and thereupon a licence for the sale of such article as aforesaid shall not be necessary and the other provisions of this section shall in respect of such article cease to have any effect.

TOLLS.

130. The commission may levy tolls as specified by Bye-law on any vehicle or animal entering the city:

Levy of tolls.

Provided that no toll shall be levied on any vehicle or animal-

(a) licensed or registered by the commission,

(b) belonging to the Government,

(c) carrying any municipal or police officer on duty, or

(d) carrying any person or property in the custody of a police officer.

Construction of toll-bars and collection of tolls.

131. The President may construct toll bars and toll-stations and—

(a) may place the collection of the tolls under the management of such persons as it thinks fit, or

(b) may, farm them out on such terms and conditions as may be necessary with liberty to the farmer to exercise all or any of the powers conferred by or under this law for the levy and collection of tolls, and

(c) may, compound with any person living outside the station for a certain sum to be paid yearly or half yearly in lieu of all tolls payable under the provisions of this law.

Procedure on non-payment of toll.

132. (1) If the toll leviable on a vehicle or animal is not paid on demand, the person appointed to collect the toll may seize and detain such portion of the appurtenances or load of such vehicle or animal as will, in his opinion, suffice to defray the amount due; in the absence of any such appurtenances or load or in the event of their value being insufficient to defray the amount due, he may seize and detain the vehicle or animal.

(2) All property seized under subsection (1) shall be sent within twenty-four hours to the President or to such person as may be authorised to receive and sell such property and the President shall forthwith give public notice that after the expiry of

two days, exclusive of Sunday, from the date of notice the property will be sold in auction at a place to be specified in the notice.

(3) If at any time before the sale has begun, the amount due on account of the toll, together with all expenses incidental to the seizure and detention, is tendered to the President or other person authorised as aforesaid, the property seized shall be forthwith released.

(4) If no such tender is made, the property shall be sold and the proceeds of the sale applied to the payment of—

(i) the amount due on account of the toll,

(ii) such penalty not exceeding the amount of the toll as the President may direct, and

(iii) the charges incurred in connection with the seizure, detention and sale.

(5) If there is a surplus after such payment, the President shall, on demand made within six months from the date of sale, make it over to the owner or other person entitled thereto. If no such demand is made, such surplus shall be forfeited to the commission.

Attempts to evade payment of tolls.

133. No person shall with intent to evade payment of toll cause a vehicle or animal—

(a) to pass a toll-station without stopping if he is required by the toll-keeper to stop ; or

(b) to leave a street on which a toll-station has been placed and pass over any adjacent land, not being either a public street or land of which such person is the owner or occupier.

Table of tolls.

134. At every toll-bar or toll-station a table of the tolls leviable shall be put up legibly written or painted in English and Tamil,

Kanarese and Hindustani languages in some conspicuous place near such toll-bar or toll-station.

DUTY ON TRANSFER OF IMMOVABLE PROPERTY.

135. A duty on transfer of property shall be levied in the form of a surcharge on the duty imposed by the Indian Stamp Act, 1899, as applied to the station on all instruments of transfer of property situate within the limits of the station by sale, gift, mortgage, or otherwise, which may be executed after the introduction of the above at a rate not exceeding two per centum, on the amount of the consideration, on the value of the property or the amount secured, by the instrument as set forth therein, as the case may be, and shall be recovered from the transferor of immovable property of a value not exceeding Rs. 5,000.

Method of assessment of duty on transfer of immovable property.

136. On the introduction of the duty of transfer (a) section 27 of the Indian Stamp Act, 1899, as applied to the Station shall be read as if it specifically required the particulars to be set forth separately in respect of property situated within and without the limits of the station in the instruments of transfer of immovable property.

Provisions applicable on introduction of Transfer duty.

(b) Section 64 of the Indian Stamp Act, 1899, as applied to the Station shall be read as if it referred to the commission as well as to the Government.

137. The Resident may make rules not inconsistent with this Law for regulating the collection of the duty, the payment thereof to the commission and the deduction of any expenses incurred by the Government in the collection thereof.

Power to make rules regarding assessment and collection of transfer duty.

138. The Rules in Schedule I shall be read as part of this chapter.

Rules in Schedule.

Chapter VI. Finance.

THE MUNICIPAL FUND.

139. (1) All monies received by the commission shall constitute a fund which shall be called the municipal fund and shall be applied and disposed of in accordance with the provisions of this Law.

Definition of Municipal fund.

(2) The commission may receive from the military authorities such annual contribution (if any) as the Governor-General in council may be pleased from time to time to fix in respect of all municipal institutions, streets, works, establishments or arrangements maintained, executed, entertained or effected from the municipal fund, which contribute to the safety, health, welfare or convenience of the inhabitants of the buildings and lands exempted by section 5 from the operation of this Law,

Contribution by Military authorities.

(3) any contributions received under the preceding subject shall go into the municipal fund.

140. The Resident shall appoint auditors of the accounts of receipt and expenditure of the municipal fund. Such auditors shall be deemed to be Public servants within the meaning of section 21, of the Indian Penal Code.

Audit of accounts.

141. With regard to the deposit, investment and expenditure of the municipal fund and the audit of the municipal accounts the rules in Schedule II shall be observed.

Financial Rules.

142. Subject to the provisions of sections 5 & 6 all property of the nature hereinafter in this section specified and situated within the station and all property declared in any other part of this law as vesting in the commission shall be vested in and belong to the commission, and shall, with all other property which may become vested in the commission, be under its direc-

Property vested in commission.

tion, management and control, and shall be held and applied by it for the purposes of this law, that is to say:—

(a) all public town walls, gates, markets, slaughter houses, manure and night-soil depots, and public buildings of every description which have been constructed or are maintained out of the municipal fund.

(b) all land or other property transferred to the commission by the Government or by gift purchase or otherwise for local public purposes;

(c) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto;

(d) all dust, dirt, dung, ashes, refuse, animal matter or filth or rubbish of any kind, or dead bodies of animals, collected by the commission from the streets, houses, privies, sewers, or elsewhere, or deposited in places fixed by the commission.

Direction, management and control of public institutions.

143. (1) The direction, management and control of every public institution maintained out of the municipal fund shall vest in the commission:

Provided that the extent of the independent authority of the commission in respect of any such institution may be prescribed by the Resident.

(2) When any public institution has been placed under the direction, management and control of the commission, and property, endowments and funds belonging thereto shall be held by the commission in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed.

Transfer to His Majesty of property vesting in commission.

144. The commission may, with the sanction of the Resident, transfer to His Majesty any property vesting in the commission under section 142 or section 143, but not so as to affect

any trusts or public rights subject to which the property is held.

LOANS.

145. (1) The commission may, in pursuance of any resolution passed at a special meeting, borrow by way of debenture or otherwise on the security of all or any of the taxes, duties, tolls, fees and dues authorised by or under this Law, any sums of money which may be required—

Power of commission to borrow money.

(a) for the construction of works,

(b) for the acquisition of land or

(c) to pay off any debt due to the Government, or

(d) to re-pay a loan previously raised under this Law or other law previously in force :

Provided that :—

(i) No loan shall be raised without the previous sanction of the Resident,

(ii) the rate of interest and the terms as to the time and method of re-payment and the like shall be subject to the approval of the Resident,

(iii) no loan exceeding in amount five lacs of rupees shall be raised unless the terms, including the date of flotation, of such loan have been approved by the Governor-General in Council.

(2) When any sum of money has been borrowed under sub-section (1),—

(a) no portion thereof shall without the previous sanction of the Resident be applied to any purpose, other than that for which it was borrowed, and

(b) no portion of any sum of money borrowed under sub-section (1), clause (a), shall be applied to the payment of salaries or allowances to any municipal officers or servants other than those exclusively em-

ployed upon the works for the construction of which the money was borrowed.

146. The time for the repayment of any money borrowed under section 145 shall in no case exceed sixty years, and the time for the re-payment of any money borrowed for the purpose of discharging any previous loan shall not, except with the express sanction of the Resident, extend beyond the unexpired portion of the period for which such previous loan was sanctioned.

Time for repayment of money borrowed under section 145.

147. Notwithstanding anything hereinbefore contained, the borrowing powers of the commission shall be limited so that the sum payable annually for interest and for the maintenance of the sinking funds as hereinafter provided, and for interest and repayment of any sums borrowed otherwise shall not, except with the express sanction of the Resident, exceed twelve and a half per cent of the annual value of buildings and lands as determined under Chapter V.

Limit of borrowing powers.

148. All debentures issued under this chapter shall be in such form as the commission, with the previous sanction of the Resident may determine and shall be transferable in such manner as shall be therein expressed; and the right to sue in respect of the moneys secured by any of such debentures shall vest in the holders thereof for the time being without any preference by reason of some such debentures being prior in date to others.

Form and effect of debentures.

149. When any debenture or security issued under this Law is payable to two or more persons jointly, and either or any of them dies, then, notwithstanding anything in section 45 of the Indian Contract Act, 1872, the debenture or security shall be payable to the survivor or survivors of such persons:

Payment to survivors of joint payees.

Provided that nothing in this section shall affect any claim by the representative of a deceased person against such survivor or survivors.

Receipt by joint holder for interest or dividend.

150. When two or more persons are joint holders of any debenture or security issued under this law, any one of such persons may give an effectual receipt for any interest or dividend payable in respect of such debentures or security, unless notice to the contrary has been given to the commission by any other of such persons.

Maintenance and investment of sinking funds.

151. (1) The commission shall maintain sinking funds for the repayment of money borrowed on debentures issued and shall pay by quarterly instalments into such sinking funds such sum as will be sufficient for the repayment within the period fixed for the loan of all moneys borrowed on debentures issued.

(2) All money paid into the sinking fund shall, as soon as possible, be invested under the orders of the commission in—

(a) Securities of the Government of India, or

(b) Securities guaranteed by the Government, or

(c) Bangalore Municipal Debentures and shall be invested in the joint names of the Secretary to the Local Government and the Collector of the Civil and Military Station of Bangalore, to be held by them as trustees for the purpose of repaying at due date the debentures issused by the commission.

(3) All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the sinking funds and invested in the manner laid down in sub-section (2).

(4) When any part of a sinking fund is invested in Bangalore Municipal Debentures, or is applied in paying off any part of

a loan before the period fixed for repayment, the interest which would otherwise have been payable on such debentures or on such part of the loan shall be paid into the sinking fund and invested in the manner laid down in sub-section (2).

(5) Any investment made under this section may, subject to the provisions of sub-section (2), be varied or transposed.

Application of sinking fund.

152. The aforesaid trustees may apply a sinking fund or any part thereof, in or towards the discharge of the loan or part of a loan for which such fund was created, and until such loan or part is wholly discharged shall not apply the same for any other purpose:

Provided that when any loans or parts thereof have been consolidated under section 154, the trustees shall transfer to the sinking fund of the consolidated loan so created such part of the sinking funds of the original loans as may be proportionate to the amount of the original loans incorporated in the consolidated loan.

Annual statement by trustees.

153. (1) The aforesaid trustees shall, at the end of every year, submit to the commission a statement showing—

(a) the amount which has been invested during the year under section 151

(b) the date of the last investment made previous to the submission of the statement.

(c) the aggregate amount of the securities then in their hands, and

(d) the aggregate amount which has up to the date of the statement been applied under section 152 in or towards discharging loans.

(2) Every such statement shall be laid before the commission and published.

154. Notwithstanding anything to the contrary contained in this chapter, the commission may consolidate all or any of their loans and for that purpose may invite tenders for a new loan (to be called the "Municipal Consolidated Loan, 19 ") and invite the holders of municipal debentures to exchange their debentures for scrip of such loan.

Power of commission to consolidate loans.

(2) The terms of any such consolidated loan and the form of scrip and the rates at which exchange into such consolidated loan shall be permitted shall be subject to the prior approval of the Governor-General in Council.

(3) The period for the extinction of any such consolidated loan shall not, without the sanction of the Governor-General in Council, extend beyond the farthest date within which any of the loans to be consolidated would be otherwise re-payable.

(4) The commission shall provide for the re-payment of any such consolidated loan by a sinking fund in the manner laid down in section 151 having regard to the amount transferred to such sinking fund under section 152.

155. All payments due from the commission for interest on and re-payment of loan shall be made in priority to all other payments due from the commission.

Priority of payments or interest and repayment of loans over other payment.

156. (1) If any money borrowed by the commission from the Government, whether before or after the commencement of this law, or any interest or costs due in respect thereof, be not re-paid according to the conditions of the loan, the Resident may attach the Municipal fund or any part thereof.

Attachment of Municipal fund for recovery of moneys borrowed from Government.

(2) After such attachment, no person except an officer appointed in this behalf by

the Resident shall in any way deal with the attached fund; but such officer may do all acts in respect thereof which any Municipal authority, officer or servant might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the arrears and of all interest and costs due in respect thereof and of all expenses caused by the attachment and subsequent proceedings:

Provided that no such attachment shall defeat or prejudice any debt for which the fund attached was previously charged in accordance with law; but all such prior charges shall be paid out of the proceeds of the fund before any part of the proceeds is applied to the satisfaction of the debt due to the Government.

BUDGET.

157. The President shall, on or before the date to be fixed by the President, prepare each year and submit to the standing committee a budget containing a detailed estimate of income and of expenditure for the ensuing year, and, if it is in his opinion necessary or expedient to vary taxation or to raise loans, shall submit his proposals in regard thereto.

Estimates of expenditure and income to be prepared annually by the President.

158. (1) The standing committee shall, on or as soon as may be after the date fixed under section 157, consider the estimates and proposals of the President and, after having obtained from the President such further detailed information, if any, as it shall think fit to require, and having regard to all the requirements of this Law, shall frame therefrom, subject to such modifications and additions therein or thereto as it shall think fit, a budget estimate of the income and expenditure of the commission for the next year.

Budget estimate to be prepared by the standing committee.

(2) In such budget estimate, the standing committee shall—

(a) provide for the payment, as they fall due, of all instalments of principal and interest and for which the commission may be liable on account of the loans;

(b) allow for a cash balance at the end of the year of not less than Rs. 25,000.

(3) The President shall cause the budget estimate, as finally approved by the standing committee, to be printed and shall not later than such date as may be fixed by the Resident, forward a copy thereof to each commissioner.

Consideration of the budget estimate by the commission.

159. At a meeting of the commission which shall be called for some day in February, the budget estimate prepared by the standing committee shall be laid before the commission.

Procedure of commission.

160. The commission may refer the budget estimate back to the standing committee for further consideration and re-submission within a specified time, or adopt the budget estimate or any revised budget estimate submitted to it, either as it stands, or subject to such alteration as it deems expedient: provided that the budget estimate finally adopted by the commission shall make adequate and suitable provision for each of the matters referred to in clauses (a) and (b) of section ~~158~~ 157, sub-section (2)

Obligation to pass the budget before the beginning of the year.

161. (1) The commission shall finally pass the budget estimate and submit a copy thereof to the Resident not later than the 10th of March or such other date as may be fixed by the Resident.

(2) The Resident shall pass such orders on the budget as he thinks fit and may reject or modify all or any of the items entered therein, or add any item thereto,

"Provided that before taking any action under this sub-section the Resident shall communicate to the Commission the grounds on which he proposes to do so, fix a reasonable period for the Commission to show cause against the proposal and consider its explanation and objections, if any."

Commission may pass supplemental budget.

162. The commission may, on the recommendation of the standing committee, from time to time during any year pass a supplemental budget estimate for the purpose of meeting any special or unforeseen requirement arising during that year, but not so that the estimated cash balance at the close of the year shall be reduced below 25,000 rupees. Such supplemental budget shall also be submitted to the Resident who shall deal with it in the manner laid down by section 161 sub-section (2).

Rules as to unexpended budget grants.

163. If any portion of a budget grant remains unexpended at the close of the year in the budget estimate for which such grant was included, and if the amount thereof has not been taken into account in the opening balance of the municipal fund entered in the budget estimate of the next following year, or in any intervening modification of the budget estimate, the standing committee may sanction the expenditure of such unexpended portion during the next following year for the completion, according to the original intention of sanction, of the purpose or object for which the budget grant was made, but not for any other purpose or object.

Reduction or transfer of budget grants.

164. (1) The commission may, if it thinks necessary, at any time during the year with the previous sanction of the Resident—

(a) reduce the amount of a budget grant; or

(b) transfer and add the amount, or a portion of the amount, of one budget grant to the amount of any other budget grant:

Provided that—

(i) due regard shall be had, when making any such reduction or transfer, to all the requirements of this law;

(ii) the aggregate sum of the budget grants contained in the budget estimate adopted by the commission shall not be increased except under section 162;

Re-adjustment of income and expenditure to be made by the commission during the course of the official year whenever necessary.

165. (1) If it shall at any time during any year appear to the commission upon the representation of the standing committee, that, notwithstanding any reduction of budget grants that may have been made under section 164, the income of the municipal fund during the said year will not suffice to meet the expenditure sanctioned in the budget estimate of the said year and to leave at the close of the year a cash balance of not less than 25,000 rupees, it shall be incumbent on the commission either to diminish the sanctioned expenditure of the year, so far as it may be possible so to do with due regard to all the requirements of this Law, or to have recourse to supplementary taxation, or to adopt both of these expedients in such measure as may be necessary to secure an estimated cash balance of not less than 25,000 rupees at the close of the year.

(2) Whenever the commission determines to have recourse to supplementary taxation in any year, it shall do so by increasing for the unexpired portion of the year the rate at which any tax or duty is being levied, subject to the conditions, limitations and restrictions laid down in Chapter V.

(3) Any action under this section shall be subject to the previous sanction of the Resident.

PART IV.

PUBLIC HEALTH, SAFETY AND CONVENIENCE.

Chapter VII. Water-supply, Lighting and Drainage.

PUBLIC WATER-SUPPLY.

Vesting of works in commission.

166. All public reservoirs, tanks, cisterns, fountains, wells, pumps, pipes, taps, conduits, aque-

ducts and other works (not vested in the Government) connected with the supply of water to the station whether made at the cost of the commission or otherwise, and all bridges, buildings, engines, works, materials, and other things connected therewith and all land (not being private property or property vested in the Government) adjacent and appertaining to the same, shall vest in the commission.

Construction of water-works.

167. The commission may, with the sanction of the Resident, construct, lay, or erect filtering tanks, reservoirs, engines, conduits, pipes or other works without the limits of the station for supplying it with water, and may provide tanks, reservoirs, engines, mains, fountains and other conveniences within the said limits for the use of the inhabitants.

Trespass on water-supply premises.

168. It shall not be lawful for any person except with permission duly obtained to enter on land vested in the commission along which a conduit or pipe runs or on any premises connected with the water-supply.

Prohibition of building over water mains.

169. (1) Without the permission of the President no building, wall or other structure shall be newly erected and no street or railway shall be constructed over any municipal water mains.

(2) If any building, wall or other structure be so erected or any street or railway be so constructed the President may, with the approval of the standing committee, cause the same to be removed or otherwise dealt with as to him shall appear fit and the expenses thereby incurred shall be paid by the persons offending.

PRIVATE WATER-SUPPLY.

Control over house connections.

170. All house-connections, whether within or without the premises to which they belong with the water-supply mains shall be under the control of the commission, but shall be altered, repaired and kept in

proper order at the expense of the owner of the premises to which they belong, or for the use of which they were constructed, and in conformity with bye-laws made in that behalf.

Private water supply for domestic consumption and use and powers of President to enforce provision of water-supply.

171. (1) The President may on application by the owner or occupier of any building arrange, in accordance with the bye-laws, to supply water thereto for domestic consumption and use:

Provided that the President shall not without the sanction of the standing committee agree to supply water to any building assessed at an annual value of less than one hundred rupees.

(2) Whenever it appears to the President that any dwelling-house assessed at an annual value of not less than one hundred rupees is without a proper supply of water for domestic consumption and use and that such a supply can be furnished from a main not more than one hundred feet distant from any part of such building, the President may by notice require the owner to obtain such supply and to execute all such works, as may be necessary for that purpose in accordance with the bye-laws.

(2) ~~(3)~~ The cost of making the connection and the cost or hire of meters shall be borne by the applicant and shall be recoverable in the same manner as the property tax on buildings and lands.

(3) ~~(4)~~ For all water supplied under this section, in excess of a maximum determined by regulations of the standing committee, payment shall be made at such times and under such conditions as may be laid down in such regulations and shall be recoverable in the same manner as the property tax on buildings and lands.

Explanation.—supply of water for domestic consumption and use shall not be deemed to include a supply—

(a) for any trade, manufacture or business,

(b) for gardens or for purposes of irrigation,

(c) for building purposes,

(d) for fountains, swimming baths, public baths, tanks in or near temples, and churches and mosques or for any ornamental or mechanical purpose,

(e) for animals or for washing vehicles where such vehicles or animals are kept for sale or hire, but shall be deemed to include a supply—

(i) for flushing latrines or drains,

(ii) for all baths other than swimming baths or public baths,

(iii) for the consumption and use of inmates of hotels, boarding houses and residential clubs and for baths used by such inmates.

PRIVATE WATER SUPPLY FOR NON-DOMESTIC PURPOSES.

President's power to supply water for non-domestic purposes at rates fixed by standing committee.

172. (1) The President may with sanction of the standing committee, supply water for any purpose other than domestic consumption and use on receiving a written application specifying the purpose for which such supply is required and the quantity likely to be consumed,

(2) for all water supplied under sub-section (1) payment shall be made at such rates and such conditions shall be imposed as may be laid down by the ~~standing committee~~ commission by general or special order.

CUTTING OFF WATER-SUPPLY.

Power to cut off water-supply.

173. (1) The President may cut off the supply of commission water from any premises—

(a) if the premises are unoccupied ;

(b) if any water-tax or any sum due for the water or for the cost of making

a connection or the cost of hire of a meter or the cost of carrying out any work or test connected with the water-supply which is chargeable to any person by or under this Law is not paid within thirty days after a bill for such tax or sum has been presented ;

(c) if after receipt of a notice from the President requiring him to refrain from so doing the owner or occupier continues to use the water or to permit it to be used in contravention of any bye-law made under this Law ;

(d) if the owner or occupier wilfully or negligently damages his meter or any pipe or tap conveying water ;

(e) if the occupier refuses to admit the President into premises which he proposes to enter for the purpose of executing any work or of placing or removing any apparatus or of making any examination or inquiry in connection with the water supply, or prevents the President doing such work, placing or removing such apparatus or making such examination or inquiry ;

(f) if any pipes, taps, works or fittings connected with the water-supply are found on examination by the President to be out of repair to such an extent as to cause waste or contamination of water ;

(g) if the owner or occupier causes pipes, taps, works or fittings connected with the water-supply to be placed, removed, repaired or otherwise interfered with in violation of the bye-laws.

(2) The expense of the cutting of the supply shall be paid by the owner or occupier of the premises.

(2)(a)(3) In cases under clause (1) (b) as soon as any money for non-payment of which water has been cut off, together with the expense of cutting off the supply, has been paid by the owner or occupier, the President shall cause water to be supplied as before on payment of the cost (if any) of reconnecting the premises with the water-works.

(b)"In cases falling under clauses (c) to (g) if the President is satisfied that the damage has been made good and that there is no likelihood of a repetition of the conduct which necessitated the cutting off of the water-supply and that sufficient reparation has been made by the offending person, he may cause water to be supplied as before on payment of the expense of the cutting off and of reconnecting the premises with the water-works."

(3) (4) No action taken under this section shall relieve any person from any penalties or liabilities which he may otherwise have incurred.

Non-liability of commission when supply reduced or not made in certain cases.

174. The commission shall not be liable to any penalty or damages for cutting off the supply of water or for not supplying water, in the case of unusual drought, other unavoidable cause or accident, or the necessity for relaying or repairing pipes.

LIGHTING.

Provision for lighting public street, etc.

175. The President shall take measures for lighting in a suitable manner the public streets and public markets and all places of public resort vested in the commission by electricity, gas, oil, or such other illuminant as the commission may determine.

PUBLIC DRAINAGE.

Vesting of drains in commission.

176. All public drains, pipes and drainage works existing at the time of the coming into operation of this Law or afterwards made at the cost of the commission or otherwise, and all works, materials and things appertaining thereto shall vest in the commission.

Maintenance of system of drainage by the commission.

177. The commission shall, so far as the means at their disposal permit, provide and maintain a sufficient system of public drains throughout the station.

PRIVATE DRAINAGE.

Control over house-drains privies and cesspools.

178. All house drains whether within or without the premises to which they belong, and all private latrines, and cesspools within the station shall be under the control of the commission, but shall be altered, repaired and kept in proper order, at the expense of the owner of the premises to which the same belong or for the use of which they were constructed and in conformity

with bye-laws framed by the commission in this behalf.

Connection of house drains with public drains.

179. (1). The President shall, on application by the owner or occupier of any premises or the owner of a private street, arrange, in accordance with the bye-laws for the connection if practicable of the applicant's drain with a public drain at the applicant's expense.

(2) If there is a public drain or other place set apart by the commission for the discharge of drainage within a distance not exceeding one hundred feet, of the nearest point on any premises the President may by notice direct the owner of the said premises to construct a drain leading therefrom to such drain or place and to execute all such works as may be necessary in accordance with the bye-laws at such owner's expense.

(3) If any premises are in the opinion of the President without sufficient means of affectual drainage, but no part thereof is situated within one hundred feet of a public drain or other place set apart by the commission for the discharge of drainage, the President may by notice direct the owner of the said premises to construct a closed cess-pool of such material, dimensions and description in such position and at such level as the President thinks necessary and to construct a drain or drains emptying into such cess-pool and to execute all such works as may be necessary in accordance with the bye-laws.

President's power to drain premises in combination.

180. (1) When the President is of opinion that any group or block of premises any part of which is situate within one hundred feet of a public drain, already existing or about to be constructed, may be drained more economically or advantageously in combination than separately, the President may, with the approval of the standing committee, cause such group or block of premises to be drained by such method as appears to the President to be

best suited therefor and the expenses incurred by the President in so doing shall be paid by the owners in such proportions as the standing committee may think fit.

(2) Not less than fifteen days before any work under this section is commenced the President shall give written notice to the owners of—

(a) the nature of the intended work,

(b) the estimated expenses thereof and

(c) the proportion of such expenses payable by each owner.

(3) The owners for the time being of the several premises constituting a group or block drained under sub-section (1) shall be the joint owners of every drain constructed, erected or fixed, or continued for the special use and benefit only of such premises, and shall, in the proportion in which it is determined that they are to contribute to the expenses incurred by the President under sub-section (1), be responsible for the expense of maintaining every such drain in good repair and efficient condition.

181. (1) Where a drain connecting any premises with a public drain or other place set apart by the commission for the discharge of drainage is sufficient for the effectual drainge thereof and is otherwise unobjectionable, but is not, in the opinion of the President, adopted to the general drainage system of the station, or of the part of the station in which such drain is situated, the President, with the approval of the standing committee, may—

President's power to close or limit the use of existing private drains.

(a) subject to the provisions of sub-section (2) close, discontinue or destroy the said drain and do any work necessary for that purpose; or

(b) direct that such drain shall, from such date as he fixes in this behalf, be

used for sewage only, or for water unpolluted with sewage only, and may construct at the cost of the commission an entirely distinct drain either for water unpolluted with sewage or for sewage.

(2) No drain may be closed, discontinued or destroyed by the President under clause (a) of sub-section (1) except on condition of his providing another drain as effectual for the drainage of the premises and communicating with a public drain or other place aforesaid and the expense of the construction of any drain so provided by the President and of any work done shall be paid by the commission.

Building etc., not to be erected without permission over drains.

182. (1) Without the permission of the President no person shall place or construct any fence, building, culvert, pipe-drain, drain covering or other structure or any street, railway or cable over, under, in or across any public drain or stop up, divert, obstruct or in any way interefere with any public drain, whether it passes through public or private ground.

(2) The President may remove or otherwise deal with anything placed or constructed in contravention of sub-section (1) as he shall think fit, and the cost of so doing shall be recoverable from the owner thereof in the manner provided in section 389.

Construction of culverts by owner or occupier.

183. (1) The President may by notice require the owner or occupier of any building or land adjoining a public street to construct culverts or drain coverings over the side channels or ditches at the entrances to the said building or land.

(2) Such culverts or drain coverings shall be of the form and size and consist of such materials as may be specified in the said notice, and shall be maintained and kept free from all obstruction at the expense of the said owner or occupier.

184. The owner or occupier of any building in a public street shall, within fifteen days after receipt of notice in that behalf from the President, put up, and thence forward maintain proper troughs and pipes for catching and carrying the water from the roof and other part of such building and for discharging such water in such manner as the President may allow.

Maintenance of troughs and pipes for catching water.

PUBLIC LATRINES.

185. The commission shall provide and maintain in proper and convenient places a sufficient number of public latrines and shall cause the same to be kept clean and in proper order.

Provision of public latrines.

PRIVATE LATRINES.

186. The President may by notice require the owner or occupier of any building within the time specified in such notice to provide a latrine or alter or remove from an unsuitable to a more suitable place any existing latrine in accordance with the directions contained in such notice, for the use of the persons employed in or about or occupying such building, and to keep it clean and in proper order; and every owner or occupier of the ground on which any block of huts stands shall provide such latrines as the President may by notice require and within such time as may be fixed in the notice for the use of the inhabitants of such block of huts.

Provision of latrines by owner or occupier.

187. Every person employing workmen, labourers or other persons exceeding twenty in number shall provide and maintain for the separate use of persons of each sex so employed latrines of such description and number as the President may by notice require, and within such time as may be fixed in the notice and shall keep the same clean and in proper order.

Provision of latrines and urinals for labourers.

188. The President may by notice require any owner or manager of a market, cart-stand, cattle-stand, shoulter, theatre, railway station, dock, wharf or other place of public resort within such time as may be specified in such notice to provide and maintain for the separate use of persons of each sex latrines of such description and number and in such a position as may be specified and to keep the same clean and in proper order.

Provision of latrines and urinals for markets, cart-stands and cattle-stands.

189. All latrines shall be so constructed as to screen persons using the same from the view of persons passing by or residing in the neighbourhood.

Latrines to be screened from view.

GENERAL POWERS.

190. The President may carry any cable, wire, pipe, drain or channel of any kind to establish or maintain any system of drainage, water-supply or lighting, through, across, under or over any road, street or place laid out for a road or street and after giving reasonable notice to the owner or occupier through, across, under, over, or up the side of, any land or building in the station and may place and maintain posts, poles, standards, brackets or other contrivances to support cables, pipes, channels, wires and lights on any pole or post in the station not owned by the Government of India and may do all acts necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, channel, post, pole, standard, bracket or other similar contrivance in an effective state for the purpose for which it is intended to be used, or for removing the same.

Power to carry wire, pipes, drains etc., through, private property subject to causing as little inconvenience as possible and paying for direct damage.

Provided that such work shall be done so as to cause the least practicable nuisance or inconvenience to any person.

Provided further that the President shall, with the sanction of the standing

committee, pay compensation to any person who sustains damage by the exercise of such power.

Prohibition against making connection without permission.

191. (1) No person shall, without the permission of the President, make any connection with any municipal cable, wire, pipe, drain or channel or with the house-connection of any other person.

(2) The President may by notice require any connection made in contravention of sub-section (1) to be demolished, removed, closed, altered or re-made.

Power to require railway level, etc., to be raised or lowered.

192. If the commission conduct any pipe or drain or other work connected with the water-supply or drainage of the station across a line of railway, they may, with the sanction of the Resident and at the cost of the municipal fund, require the railway administration concerned to raise or lower the level of such railway.

Power of commission in respect of works outside the station.

193. The commission shall not undertake new works beyond the limits of the Station without the sanction of the Resident.

Chapter VIII. Scavenging.

Provision of places of deposit for rubbish and filth.

194. The President shall provide or appoint, in proper and convenient situations, depots and places for the temporary deposit or final disposal of rubbish, filth and carcasses of dead animals.

Public notice ordering deposit of rubbish and filth by occupier.

195. (1) The President may with the previous sanction of the standing committee by public notice direct that all rubbish and filth accumulating in any premises the scavenging of which has not been undertaken by the commission in any street or quarter of the city

specified in the notice shall be collected by the owner or occupier of such premises, and deposited in a box or basket or other receptacle, of the kind specified in such notice, to be provided by such owner or occupier and kept at or near the premises.

(2) The President may by public notice direct that all rubbish and filth accumulating in any latrine not connected with a drain and in respect of which no contract under section 197 has been entered into, shall be collected by the owner or occupier and deposited in municipal carts.

(3) The President may cause public dust-bins or other convenient receptacles to be provided at suitable intervals and in proper and convenient situation in any street or quarter in respect of which no notice issued under sub-section (1) or sub-section (2) is for the time being in force,

and may by public notice direct that all rubbish and filth accumulating in any premises, the entrance to which is situated within fifty yards of any such receptacle, shall be collected by the owner or occupier of such premises and deposited in such receptacle.

Removal of rubbish and filth accumulating in large quantities on premises.

196. When any premises are used for carrying on any manufacture, trade or business or in any way so that rubbish or filth is accumulated in quantities which are, in the opinion of the President, considerable he may

(a) by notice require the owner or occupier of such premises to collect all rubbish and filth accumulating thereon, and to remove the same at such times, in such carts or receptacles, and by such routes as may be specified in the notice, to a depot or place provided or appointed under section 194; or

(b) after giving such owner or occupier notice of his intention, cause all rubbish and filth accumulated in such premises to be removed, and charge the said owner or

occupier for such removal such periodical fee in excess of the tax as may, with the sanction of the standing committee, be specified in the notice issued under clause (a).

Contract with owner or occupier for removal of rubbish and filth.

197. The President may contract with the owner or occupier of any premises to remove rubbish or filth from such premises on such terms as to time and period of removal and other matters as may seem suitable to the President and on payment of fees at such rate as the commission may determine.

Undertaking by Commission of house-scavenging generally.

198. (1) The Commission may at any time undertake the house-scavenging of any house, building or enclosure on the application or with the consent of the occupier.

(2) The Commission may, by public notice, undertake the house-scavenging of any houses, buildings or enclosures from any date not less than two months after issue of the notice.

(3) The occupier of any house, building or enclosure affected by the notice may at any time after the issue thereof apply to the Commission to exclude that house, building or enclosure from the notice.

(4) The Commission shall consider and pass orders upon every such application within six weeks of the receipt thereof, and may by any such order exclude such house. building or enclosure from the notice.

(5) In deciding whether to exclude any house, building or enclosure from the notice, the Commission shall consider, among other matters, the efficiency of the arrangements for house-scavenging made by the occupier (if any) and the purpose to which he applies the matter dealt with in house-scavenging.

Savings in favour of agriculturists.

199. The commission shall not, without the consent of the occupier, undertake the house scavenging of any house,

building or enclosure occupied by an agriculturist who himself cultivates land within the station.

Continuance of house scavenging once undertaken by the commission

200. When once the commission has undertaken the house-scavenging of any house, building or enclosure, it may continue to perform such house-scavenging with or without the consent of the occupier for the time being of such house, building or enclosure.

Provision for daily cleansing of streets and removal of rubbish and filth.

201. The President shall provide—

(a) for the daily surface cleaning of all public streets and the removal of the sweepings therefrom, and

(b) for the removal of—

(i) the contents of all receptacles and depots and the accumulations at all places provided or appointed by him under section 194 for the temporary deposit of any of the things specified therein ; and

(ii) all things deposited by the owners or occupiers of the premises in pursuance of any notice issued under section 195.

Directions as to removal of rubbish and filth.

202. In cases not provided for by any notice issued under section 196, the President shall, with the sanction of standing committee, lay down,

(a) the hours within which rubbish and filth may be removed, and

(b) the kind of cart or other receptacle in which rubbish and filth may be removed, and

(c) the route by which such carts or other receptacles shall be taken.

Maintenance of establishment for removal of rubbish and filth.

203. The commission shall maintain an establishment under the control of the President for the removal of rubbish and filth from lat-

rines which are not connected with a public drain.

204. (1) No person who is bound by any notice issued under section 195 or 196, as the case may be, to collect and deposit or remove rubbish or filth accumulating on any premises shall allow the same so to accumulate for more than twenty-four hours.

Prohibition against accumulation of rubbish or filth on premises.

(2) No person shall deposit any rubbish or filth otherwise than as provided in a notice issued under section 195 or 196 as the case may be.

Prohibition against irregular methods of depositing rubbish or filth.

(3) No person shall remove rubbish or filth otherwise than to a depot or place provided or appointed for the purpose under section 194 or otherwise than as laid down under section 196 or 202.

Prohibitiona gainst irregular removal of rubbish or filth.

(4) No person shall throw or place any rubbish or filth, as the case may be,

Prohibition against deposit of rubbish or filth in unauthorised place or manner.

(a) in any place not provided or appointed for the purpose under section 194, or

(b) in any way contrary to any direction given under section 195.

(5) No owner or occupier of any premises the scavenging of which has not been undertaken by the commission shall keep or allow to be kept for more than twenty four hours, or otherwise than in a receptacle approved by the President, any rubbish or filth on such premises or any place belonging thereto or neglect to employ proper means to remove that rubbish or filth from or to cleanse such receptacle and to dispose of such rubbish or filth in the manner directed by the President, or fail to comply with any requisition of the President as to the construc-

Prohibition against keeping rubbish or filth for more than twenty-four hours or in unauthorised place or manner.

tion, repair, paving or cleansing of any latrine on or belonging to the premises.

Prohibition against allowing sewage to flow in streets.

(6) No owner or occupier shall allow the water of any sink, drain or latrine or the drainage from any stable or place, or any other filth to run down on, or to, or be put upon, any street, or into any drain in or alongside of any street, except in such manner as shall prevent any avoidable nuisance from any such filth soaking into the walls or ground at the side of the said drain.

Chapter IX– Streets.

PUBLIC STREETS.

Vesting of public streets and their appurtenances in commission.

205. All public streets in the station not reserved under the control of the Government, and the side-drains, pavements, stones and other materials thereof, and all erections, materials, implements and other things provided for such streets, and all trees, not being private property, growing thereon or by the side thereof, shall vest in the commission.

Maintenance and repair of streets.

206. The commission shall cause the public streets to be maintained and repaired and may make all improvements thereto which are necessary or expedient for the public safety or convenience.

Powers of authorities in regard to streets.

207. The President may subject always to such sanction as may be required under Chapter IV.

(a) make new streets,

(b) construct bridges and subways.

(c) turn, divert, or with the special sanction of the commission and the Resident permanently close any public street or part thereof;

(d) widen, open, extend or otherwise improve any public street,

(2) Reasonable compensation shall be paid to the owners and occupiers of any land or buildings which are required for or affected by any such purposes.

Power to dispose of permanently closed streets.

208. (1) When any public street is permanently closed under section 207 the commission may dispose of the site or so much thereof as is no longer required making due compensation to any person injured by such closing.

(2) In determining such compensation, allowance shall be made for any benefit accruing to the same premises or any adjacent premises belonging to the same owner from the construction or improvement of any other public street at or about the same time that the public street, on account of which the compensation is paid, is closed.

Acquisition of land and buildings for improvement of streets.

209. (1) The President may, subject always to such sanction as may be required under Chapter IV, acquire—

(a) any land required for the purpose of widening, opening, extending or otherwise improving any public street, or of making any new public street, and the buildings, if any, standing upon such land;

(b) any land outside the proposed street alignment, with the buildings, if any, standing thereupon, which the commission may consider it expedient to acquire.

(2) Any land or building acquired under sub-section (1), clause (b) may be sold, leased or otherwise disposed of after public advertisement, and any conveyance made for that purpose may comprise such conditions as the standing committee thinks fit as to the removal of the existing building, if any, the description of the new building, if any, to be erected, the period within which the new building, if any, shall be completed and any other similar matters.

(3) The standing committee may require any person to whom any land or

'building is transferred under sub-section (2) to comply with any conditions comprised in the said conveyance before it places him in possession of the land or building.

210. The standing committee may—

Power to prescribe building line and street alignment.

(a) prescribe for any public street a building line or a street alignment or both a building line and a street alignment;

(b) from time to time, but subject in each case to its receiving the authority of the commission in that behalf, define a fresh line in substitution for any line so defined or for any part thereof, provided that such authority shall not be accorded—

(i) unless, at least one month before the meeting of the commission at which the matter is decided, public notice of the proposal has been given by the President by advertisement in the local newspapers and in the Residency Orders, and special notice thereof, signed by the President, has also been put up in the street or part of the street for which such fresh line is proposed to be defined; and

(ii) until the commission has considered all objections to the said proposal made in writing and delivered at the municipal office not less than three clear days before the day of such meeting.

211. (1) No person shall construct any portion of any building within a street alignment defined under section 210 provided however that the President may in his discretion permit additions to a building to be made within a street alignment, if such additions merely add to the height and rest upon an existing building or wall, upon the owner of the building executing an agreement binding himself and his successors in interest.

Restrictions on erection of or addition to buildings within street alignment or building line.

(a) not to claim compensation in the event of the President at any time there-

after calling upon him or such successors to remove any building erected or added to in pursuance of such permission or any portion thereof, and

(b) to pay the expenses of such removal.

Provided that the President shall, in every case in which he gives permission, report his reasons in writing to the standing committee.

If the President refuses to grant permission to erect or add to any building on the ground that the proposed site falls wholly or in part within a street alignment prescribed under section 210 and if such site or the portion thereof which falls within such alignment be not acquired on behalf of the commission within one year after the date of such refusal the commission shall pay reasonable compensation to the owner of the site.

(2) No person shall erect or add to any building between a street alignment and a building line defined under section 210 except with the permission of the President, who may when granting permission impose such conditions as the standing committee may lay down for such cases.

Setting back projecting buildings or walls.

212. (1) When any building or part thereof abutting on a public street is within a street alignment defined under section 210, President may, whenever it is proposed

(a) to rebuild such building or take it down to an extent exceeding one-half thereof above the ground level, such half to be measured in cubic feet; or

(b) to remove, reconstruct or make any addition to any portion of such building which is within the street alignment;

in any order which he issues concerning the rebuilding, alteration or repair of such building, require such building to be set back to the street alignment.

(2) When any building or any part thereof within the street alignment falls down or is burnt down or is, whether by order of the President or otherwise, taken down, the President may forthwith take possession on behalf of the commission of the portion of land within the street alignment theretofore occupied by the said building and, if necessary, clear it.

(3) Land acquired under this section shall be deemed a part of the public street and shall vest in the commission.

(4) When any building is set back in pursuance of any requisition made under sub-section (1), or when the President takes possession of any land under sub-section (2), the commission shall forthwith make full compensation to the owner for any direct damage which he may sustain thereby.

Explanation—The expression "direct damage" as used in sub-section (4) with reference to land means the market value of the land taken and depreciation if any, in the ordinary market value of the rest of the land resulting from the area being reduced in size; but does not include damage due to the prospective loss of any particular use to which the owner may allege that he intended to put the land, although such use may be injuriously affected by the reduction of the site.

Setting forward buildings to improve line of street.

213. The President may, upon such terms as he thinks fit, allow any building to be set forward for the purpose of improving the line of a public street and may, with the sanction of the standing committee, by notice require any building to be so set forward in the case of reconstruction thereof or of a new construction.

Explanation.—For the purpose of this section a wall separating any premises from a public street shall be deemed to be a building; and it shall be deemed a sufficient compliance with permission or requisition to

set forward a building to the street alignment if a wall of such material and dimensions as are approved by the President is erected along the said line.

Projected streets.

214. (1) The standing committee may prepare schemes and plans of proposed public streets, showing the direction of such streets, the street alignment and building line on each side of them, their intended width and such other details as may appear desirable.

(2) The width of such proposed streets shall ordinarily not be less than forty feet, or in any area covered by huts, twenty feet.

(3) When any plan has been prepared under sub-section (1), the provision of section 212 shall apply to all buildings, so far as they stand across the street alignment of the projected street.

Temporary closure of streets.

215. The President may by an order temporarily close any street to traffic for repair, or in order to carry out any work connected with drainage, water-supply or lighting or any of the purposes specified in schedule II:

Provided that such work shall be completed and such street re-opened to traffic with all reasonable speed.

Protection of appurtenances and materials of streets.

216. It shall not be lawful for any person without the permission of the President to displace, take up or make any alteration in the fences, posts, pavement, flags or other materials of any public street.

PRIVATE STREETS.

Owner's obligation to make a street when disposing of land as building sites.

217. If the owner of any land, utilizes, sells, leases or otherwise disposes of such land or any portion or portions of the same as sites for the construction of buildings, he shall, save in

such cases as the site or sites may abut on an existing public or private street, lay down and make a street or streets or road or roads giving access to the site or sites and connecting with an existing public or private street in such manner as the President may specify

Making of new private streets.

218. (1) Any person intending to lay out or make a new private street must send to the President a written application with plans and sections showing the following particulars, namely—

(a) the intended level, direction and width of the street,

(b) the street alignment and the building line, and

(c) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewering, draining, conserving and lighting the street.

(2) The provisions of this Law and of any rules or bye-laws made under it as to the level and width of public streets and the height of buildings abutting thereon shall apply also in the case of streets referred to in sub-section (1); and all the particulars referred to in that sub-section shall be subject to approval by the standing committee.

(3) Within sixty days after the receipt of any application under sub-section (1) the standing committee shall either sanction the making of the street on such conditions as it may think fit or disallow it, or ask for further information with respect to it.

(4) Such sanction may be refused—

(i) if the proposed street would conflict with any arrangements which have been made, or which are in the opinion of the standing committee likely to be made, for carrying out any general scheme of street improvement,

(ii) if the proposed street does not conform to the provisions of the Law, rules and bye-laws referred to in sub-section (2) or

(iii) if the proposed street is not designed so as to connect at one end with a street which is already open.

(5) No person shall lay out or make any new private street without or otherwise than in conformity with the orders of the standing committee. If further information is asked for, no steps shall be taken to lay out or make the street until orders have been passed upon receipt of such information.

Provided that the passing of such orders shall not in any case be delayed for more than sixty days after the standing committee has received all the information which it considers necessary to enable it to deal finally with the said application.

Alteration or demolition of street made in breach of section 218.

219. (1) If any person lays out or makes any street referred to in section 218 without or otherwise than in conformity with the orders of the standing committee, the President may, whether or not the offender be prosecuted under this Law, by notice—

(a) require the offender to show sufficient cause, by a written statement signed by him and sent to the President on or before such day as may be specified in the notice, why such street should not be altered to the satisfaction of the President, or if such alteration be impracticable, why such street should not be demolished, or

(b) require the offender to appear before the President either personally or by a duly authorised agent, on such day and at such time and place as may be specified in the notice, and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show sufficient cause to the satisfaction of the President why such street should not be so altered or demolished, the President may pass an order directing the alteration or demolition of such street.

220. (1) If any private street or part thereof is not levelled, paved, metalled, flagged, channelled, sewered, drained, conserved, or lighted to the satisfaction of the President, he may by notice require the owners or occupiers of premises, fronting or abutting on such street or part thereof to carry out any work which in his opinion may be necessary, and within such time as may be specified in such notice.

Power of President to order work to be carried out or to carry it out himself in default.

(2) If such work is not carried out within the time specified in the notice, the President may, if he thinks fit, execute it and the expenses incurred shall be paid by the owners or occupiers in default according to the frontage of their respective premises and in such proportion as may be settled by the President.

221. If any street has been levelled, paved, metalled, flagged, channelled, sewered, drained, conserved and lighted under the provisions of section 220 such street shall, on the requisition of not less than three-fourths of the owners thereof, be declared a public street.

Right of owners to require streets to be declared public.

ENCROACHMENTS ON STREETS.

222. No one shall build any wall or erect any fence or other obstruction, encroachment or projection in or over any street except as hereinafter provided.

Prohibition against obstructions in streets.

223. (1) No door, gate, bar or ground-floor window shall without a licence from the President be hung or placed so as to open outwards upon any street.

Prohibition and regulation of doors, ground-floor windows and bars opening outwards.

(2) The President may by notice require the owner of such door, gate, bar or window to alter it so that no part thereof when open shall project over the street,

224. (1) The President may by notice require the owner or occupier of any premises to remove or alter any projection, encroachment or obstruction (other than a door, gate, bar, or ground-floor window) situated against or in front of such premises and in or over any street.

Removal of encroachments.

(2) If the owner or occupier of the premises proves that any such projection, encroachment or obstruction has existed for a period sufficient under the law of limitation to give him a prescriptive title or that it was erected with the consent of any municipal authority duly empowered in that behalf, and that the period, if any, for which the consent is valid has not expired, the commission shall make reasonable compensation to every person who suffers damage by the removal or alteration of the same.

225. (1) The President may grant a licence subject to such conditions and restrictions as he may think fit—

Power to allow certain projections and erections.

(a) to the owner or occupier of any premises in a street, to put up verandas balconies, sunshades, weather-frames and the like, to project over the street, or in streets in which the construction of arcades has been sanctioned by the commission to put up an arcade: or to construct any step or drain-covering necessary for access to the premises; or

(b) with the concurrence of the commissioner of Police for any temporary construction in a street on occasions of festivals and ceremonies.

Provided that a licence under this section shall in no case be granted if the projection, or erection, as the case may be is likely to cause public inconvenience.

(2) On expiry of any period for which a licence has been granted under this section, the President may without notice cause any construction put up under clause (a) or (b) of sub-section (1) to be removed and

the cost of so doing shall be recoverable from the person to whom the licence was granted in the manner provided in section 389. The President may also sell the materials of such construction and shall in that case apply the proceeds in or towards payment of the expenses incurred and pay any surplus accruing from such sale to the owner or other person entitled thereto on demand made within twelve months from the date of sale. If no demand is made, such surplus shall be forfeited to the commission.

Precautions during repair of streets.

226. (1) The President shall, so far as is practicable during the construction or repair of any street, drain or premises vested in the commission,

(a) cause the same to be fenced and guarded.

(b) take proper precautions against accident by shoring up and protecting the adjoining buildings, and

(c) cause such bars, chains or posts to be fixed across or in any street in which any such work is under execution as are necessary in order to prevent the passage of vehicles or animals and avert danger.

(2) The President shall cause such drain, street or premises to be sufficiently lighted or guarded during the night while under construction or repair.

(3) The President shall, with all reasonable speed, complete the said work, fill in the ground, and repair the said drain, street or premises.

Prohibition against removal of bars and lights.

227. No person shall without lawful authority remove any bar, chain, post or shoring timber or remove or extinguish any light set up under section 226.

Making holes and causing obstruction.

228. (1) No person shall make a hole or cause any obstruction in any street unless he previously obtains the permis-

sion of the President and complies with such conditions as he may impose.

(2) When such permission is granted, such person shall at his own expense cause such hole or obstruction to be sufficiently fenced and enclosed, until the hole or obstruction is filled up or removed and shall cause such hole or obstruction to be sufficiently lighted during the night.

(3) If any obstruction is caused in any street by the fall of structures, trees, or the fences, the owner or occupier of the premises concerned shall within twelve hours of the occurrence of such fall, or within such further period as the President may by notices allow, clear the street of such obstruction.

Licence for work on buildings likely to cause obstruction.

229. If any person intends to construct or demolish any building or to alter or repair the outward part thereof, and if any street or foot-way is likely to be obstructed or rendered inconvenient by means of such work, he shall first obtain a licence from the President in that behalf and shall also—

(a) cause the said building to be fenced and guarded,

(b) sufficiently light it during the night, and

(c) take proper precautions against accidents during such time as the public safety or convenience requires.

NAMING STREETS AND NUMBERING BUILDINGS.

Naming of public streets.

230. (1) The commission shall give names to new public streets and may alter the name of any public street.

(2) The President shall cause to be put up or painted in English and in at least one vernacular language on a conspicuous part of some building, wall, or place, at or near each end, corner or entrance of every public street, the name by which it is to be known.

(3) No person shall without lawful authority destroy, pull down or deface any such name or put up any name different from that put up by order of the President.

Numbering of buildings.

231. (1) The President may cause a number to be affixed to the side or outer door of any building or to some place at the entrance of the enclosure thereof.

(2) No person shall without lawful authority destroy, pull down or deface any such number.

(3) When a number has been affixed under sub-section (1), the owner of the building shall be bound to maintain such number and to replace it if removed or defaced; and if he fails to do so, the President may by notice require him to replace it.

Chapter X—Building Regulations.

GENERAL POWERS.

Building rules.

232. (1) The President may make rules—

(a) for the regulation or restriction of the use of sites for building, and

(b) for the regulation or restriction of building.

(2) Without prejudice to the generality of the power conferred by sub-section (1) clause (a), rules made under that clause may provide—

(a) that no insanitary or dangerous site shall be used for building; and

(b) that no site shall be used for the construction of a building intended for public worship if the construction of the building thereon will wound the religious feelings of any class of persons.

(3) Without prejudice to the generality of the power conferred by sub-section (1), clause (b), rules made under that clause may provide for the following matters:—

(a) information and plans to be submitted together with applications for permissions to build:

(b) height of buildings, whether absolute or relative to the width of streets ;

(c) level and width of foundation, level of lowest floor and stability of structure ;

(d) number and height of stories composing a building and height of rooms ;

(e) provision of sufficient open space, external or internal, and adequate means of ventilation ;

(f) provision of means of egress in case of fire ;

(g) provisions of secondary means of access for the removal of house refuse ;

(h) materials and methods of construction of external and party walls, roofs and floors ;

(i) position, materials and methods of construction of hearths, smoke-escapes, chimneys, staircases, latrines, drains, and cess-pools ;

(j) paving of yards ;

(k) restrictions on the use of inflammable materials in building ; and

(l) in the case of wells, the dimensions of the well, the manner of enclosing it, and if the well is intended for drinking purposes, the means which shall be used to prevent pollution of the water.

(4) No piece of land shall be used as a site for the construction of a building, and no building shall be constructed or reconstructed otherwise than in accordance with the provisions of this Law and of any rules or bye-laws made thereunder relating to the use of building sites or the construction or reconstruction of buildings.

Power of commission to regulate future construction of certain classes of buildings in particular streets or localities.

233. (1) The commission may give public notice of the intention to declare—

(a) that, in any streets or portions of streets specified in the notice,

(i) continuous building will be allowed.

(ii) the elevation and construction of the frontage of all buildings thereafter constructed or reconstructed shall, in respect of their architectural features, be such as the standing committee may consider suitable to the locality, or

(b) that in any localities specified in the notice the construction of only detached buildings will be allowed, or

(c) that in any streets, portions of streets or localities specified in the notice, the construction of shops, ware-houses, factories, huts, or buildings of a specified architectural character or buildings destined for particular uses will not be allowed without the special permission of the standing committee.

(2) No objections to any such declaration shall be received after a period of three months from the publication of such notice.

(3) The standing committee shall consider all objections received within the said period and may then confirm the declaration, and, before doing so, may modify it, but not so as to extend its effect.

(4) The President shall publish any declaration so confirmed and it shall take effect from the date of publication.

(5) No person shall, after the date of publication of such declaration, construct or reconstruct any building in contravention of any such declaration.

Buildings at corner of streets.

234. (1) The commission may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent otherwise as it may determine, and may acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity ;

(2) For any land so acquired the commission shall pay compensation.

(3) In determining such compensation allowance shall be made for any benefit accruing to the same premises from the improvement of the streets.

Prohibition against use of inflammable materials for buildings without permission.

235. No external roof, verandah, pandal or wall of a building shall be constructed or reconstructed of grass, leaves, mats, or other inflammable materials except with the permission of the President.

BUILDINGS OTHER THAN HUTS.

Application to construct or reconstruct building.

236. (1) If any person intends to construct or reconstruct a building, he shall send to the President—

(a) an application in writing for approval of the site, together with a site-plan of the land, and

(b) an application in writing for permission to execute the work together with a ground-plan, elevation and sections of the building and a specification of the work.

(2) Every document furnished under sub-section (1) shall contain such particulars and be prepared in such manner as may be required under rules or bye-laws.

Necessity for prior approval of the site.

237. The President shall not grant permission to construct or re-construct a building unless and until he has approved of the site on an application made under section 236.

Prohibition against commencement of work without permission.

238. The construction or re-construction of a building shall not be begun unless and until the President has granted permission for the execution of the work.

Period within which President is to signify approval or disapproval.

239. Within thirty days after the receipt of any application made under section 236 for approval of a site or of any information or further informa-

tion required under rules or bye-laws the President shall, by written order, either approve the site or refuse on one or more of the grounds mentioned in section 242 to approve the site.

240. Within thirty days after the receipt of any application made under section 236 for permission to execute any work or of any information or of documents or further information or documents required under rules or bye-laws, the President shall, by written order, either grant such permission or refuse to grant it on one or more of the grounds mentioned in section 242 or 244.

Period within which President is to grant or refuse to grant permission to execute work.

Provided that the said period of thirty days shall not begin to run until the site has been approved under section 239.

241. (1) If, within the period laid down in section 239 or 240 as the case may be, the President has neither given nor refused his approval of a building site, or his permission to execute any work, as the case may be, ~~the standing committee~~ he shall be bound, on the written request of the applicant, to determine by written order, whether such approval or permission should be given or not.

President bound to pass orders on a further written request after the lapse of a month from the date of application.

(2) If the ~~standing committee do~~ President does not, within fifteen days from the receipt of such written request, determine whether such approval or permission should be given or not, such approval or permission shall be deemed to have been given; and the applicant may proceed to execute the work, but not so as to contravene any of the provision of this Law or any Rules or bye-laws made under this Law.

242. The grounds on which approval of a site for the construction or reconstruction of a building or permission to construct or re-construct a building may be refused, are the following, namely—

Grounds on which approval of site for, or licence to construct or reconstruct building may be refused.

(1) that the work or the use of the site for the work or any of the particulars comprised in the site-plan, ground-plan, elevations, sections, or specification would contravene some specified provision of any law or some specified order, rule, declaration or bye-law made under any law;

(2) that the application for such permission does not contain the particulars or is not prepared in the manner required under rules or bye-laws;

(3) that any of the documents referred to in section 236 have not been signed as required under rules or bye-laws;

(4) that any information or documents required by the President under the rules or bye-laws has or have not been duly furnished;

(5) that streets or roads have not been made as required by section 217.

(6) that the proposed site is not suitable for the proposed building owing to its situation, surroundings or for any other reasonable cause.

Whenever the President or the standing committee refuses to approve a site for a building, or to grant permission to construct or re-construct a building, the reasons for such refusal shall be specifically stated in the order.

Powers of President in certain areas.

243. (1) Notwithstanding anything contained in this Law the Resident may, with the previous sanction of the Governor-General in Council by notification in the local official Gazette, direct that in any area specified in such notification no building shall be erected or re-erected save with the ~~permission in writing of the Resident,~~ final confirmation in writing of the Resident, or of such officer as he may appoint in that behalf, and it shall be competent to the Resident either to refuse such permission or to grant it absolutely, or subject to such conditions and restrictions as he may deem fit to impose:

Provided that in case of emergency such notification may be issued without the previous sanction of the Governor-General in Council, and in that event a copy thereof shall forthwith be forwarded to the Governor-General in Council who may, by notification published in the Gazette of India, order the cancellation or modification of the same :

shall be made by the Government,

Provided further that ~~the Commission shall make~~ full compensation to the owner for any damage which he may sustain in consequence of the prohibition by the Resident of the re-erection of any building or of the Resident requiring any land belonging to such person to be added to a street.

(2) So long as any notification issued under sub-section (1) is in operation, the provisions of this Law shall not apply to the area included in such notification.

Provided that no sanction granted by the Commission before the issue of a notification under this section shall be invalidated by reason only of the issue of such notification and the provisions of this Law shall continue to apply to the erection or re-erection of a building in accordance with such sanctioned to the exclusion of the provisions of this section.

(3) Whoever intends to erect or re-erect any building within an area included in a notification issued under this section shall give notice in writing of his intention to the Resident, and in exercise of the powers conferred on him under sub-section (1), the Resident shall pass orders within six weeks after the receipt of such notice.

(4) If the Resident neglects or omits for six weeks after the receipt of a valid notice under sub-section (3) to make and deliver to the person who has given such notice any order in respect thereof, he shall be deemed to have sanctioned the proposed building :

Provided that the erection or re-erection be otherwise in accordance with the provisions or this Law.

(5) Every sanction for the erection or re-erection of any building given or deemed to have been given by the Resident shall remain in force for one year from the date on which the notice shall have become valid and complete and no longer, and if the building so sanctioned has not been begun by the person who has obtained such sanction or by any one lawfully claiming under him within such year, it shall not be begun without fresh sanction; but such person as aforesaid may at any subsequent time give fresh notice to the Resident in the manner hereinbefore prescribed and thereupon the provisions hereinbefore contained shall apply to such notice.

(6) Whoever does any act in breach of a direct on under sub-section (1) or of any condition or restriction imposed thereunder, shall be punishable with fine which may extend to fifty rupees and when the breach is a continuing breach with a further fine which may extend to five rupees for every day after the first, during which the breach continues.

(7) The Resident may, after giving one month's notice to the owner of a building erected or re-erected in contravention of a direction under sub-section (1) or of any condition or restriction imposed thereunder, order the demolition of such building and no person shall be entitled to any compensation for any loss or injury arising out of such demolition.

(8) The Governor-General in Council may, on his own motion or on the application of any person aggrieved, cancel or modify any order passed by the Resident under the powers conferred by this section.

(9) The provisions under this Law as to the service and validity of notices shall apply to a notice issued under sub-section (7) and to an order issued under sub-section (3) as though such notice or order were a notice issued by the Commission under this Law.

244. Notwithstanding anything contained in section 242 if any street shown in the site-plan is an intended private street, the President may at his discretion refuse to grant permission to construct a building, until the street is commenced or completed. 241

Special powers for suspending permission to construct buildings.

245. If the construction or re-construction of a building is not commenced within one year after the date on which permission was given to execute the work, the work shall not be commenced until a fresh application has been made and a fresh permission granted under this chapter.

Lapse of permission if not acted upon within one year.

246. The President may inspect any building during the construction or re-construction thereof, or within one month from the date of receipt of the notice given under section 101.

Inspection by President.

247. (1) If the President finds that the work—

Power of President to require alteration of work.

(a) is otherwise than in accordance with the plans or specifications which have been approved, or

(b) contravenes any of the provisions of this Law or any rule, bye-law, order or declaration made under this Law.

he may by notice require the owner of the building within a period stated either

(i) to make such alterations as may be specified in the said notice with the object of bringing the work into conformity with the said plans, specifications or provisions, or

(ii) to show cause why such alterations should not be made.

(2) If the owner does not show cause as aforesaid he shall be bound to make the alterations specified in such notice.

(3) If the owner shows cause as aforesaid the President shall by an order cancel the notice issued under sub-section (1), or confirm the same subject to such modifications as he may think fit.

Stoppage of work endangering human life.

248. Notwithstanding anything contained in any of the preceding sections, the President may at any time stop the construction or re-construction of any building if in his opinion the work in progress endangers human life.

Above provisions not applicable to huts.

249. In sections 236 to 248 the word "building" does not include a hut.

WELLS.

Application of certain sections to wells.

250. The provisions of sections 236, 237, 238, 245, 246, 247 and 248 shall so far as may be, apply to wells.

HUTS.

Application to construct or re-construct huts.

251. (1) Every person who intends to construct or re-construct a hut shall send to the President—

(a) an application in writing for permission to execute the work, and

(b) a site-plan of the land.

(2) Every such application and plan shall contain the particulars and be prepared in the manner required under rules or bye-laws.

Prohibition against commencement of work without permission.

252. The construction or re-construction of a hut shall not be commenced unless and until the President has granted permission for the execution of the work on an application sent to him under section 251.

253. Within fourteen days after the receipt of any application made under section 251 for permission construct or re-construct a hut, or of any information or plan or further information or fresh plan required under rules or bye-laws, the President shall, by written order, either grant such permission or refuse on one or more of the grounds mentioned in section 255.

Period within which President is to grant or refuse to grant permission to execute the work.

254. (1) If within the period laid down in section 253, the President has neither granted nor refused to grant permission to construct or re-construct a hut, ~~the standing committee~~ he shall be bound on the written request of the applicant, to determine by written order whether such permission should be granted or not.

President bound to pass orders on a further written request after the lapse of 14 days from the date of application.

(2) If the ~~standing committee~~ President does not, within thirty days from the receipt of such written request, determine whether such permission should be granted or not, such permission shall be deemed to have been granted; and the applicant may proceed to execute the work but not so as to contravene any of the provisions of this Law or any rules or bye-laws made under this Law.

255. The grounds on which permission to construct or reconstruct a hut may be refused are the following, namely:—

Grounds on which permission to construct or re-construct hut may be refused.

(1) that the work or the use of the site for the work would contravene some specified provision of any law or some specified rule, bye-law, order or declaration made under any law;

(2) that the application for permission does not contain the particulars or is not prepared in the manner required under rules or bye-laws;

(3) that any information or plan required by the President under rules or bye-laws has not been duly furnished;

(4) that streets or roads have not been made as required by section 217.

(5) that the site is not suitable for any other reason.

Whenever the President ~~or the standing committee~~ refuses to grant permission to construct or reconstruct a hut, the reasons for such refusal shall be specifically stated in the order.

256. If the construction or reconstruction of any hut is not commenced within six months after the date on which permission was given to execute the work, the work shall not be commenced until a fresh application has been made and a fresh permission granted under this chapter.

Lapse of permission if not acted upon within six months.

EXTERNAL WALLS, ALTERATIONS AND ADDITIONS.

257. The owner or occupier of any building adjoining a public street shall keep the external part thereof in proper repair with lime-plaster or other material to the satisfaction of the President.

Maintenance of external walls in repair.

258. (1) The provisions of this chapter and of any rules or bye-laws made under this Law relating to construction or reconstruction of buildings shall also be applicable to any alteration thereof or addition thereto:

Application of provisions to alterations and additions.

Provided that works of necessary repair which do not affect the position or dimensions of a building or any room therein shall not be deemed an alteration or addition for the purpose of this section.

(2) If any question arises as to whether any addition or alteration is a necessary repair not affecting the position or

dimensions of a building or room such question shall be referred to the standing committee, whose decision shall be final.

POWERS OF PRESIDENT.

259. (1) If the President is satisfied—

Demolition or alteration of building or well-work unlawfully commenced, carried on or completed.

(i) that the construction or reconstruction of any building or well—

(a) has been commenced without obtaining permission of the President ~~or (where an appeal or reference has been made to the standing committee)~~ in contravention of any order passed by ~~the standing committee,~~ or

(b) is being carried on, or has been completed otherwise than in accordance with the plans or particulars on which such permission or order was based, or

(c) is being carried on, or has been completed in breach of any of the provisions of this Law or of any rule or bye-law made under this Law or of any direction or requisition lawfully given or made under this Law or such rules or bye-laws, or

(ii) that any alterations required by any notice issued under section ~~247~~ have not been duly made, or

(iii) that any alteration of or addition to any building or any other work made or done for any purpose in, to, or upon any building, had been commenced or is being carried on or has been completed in breach of section 258,

he may make a provisional order requiring the owner or the builder to demolish the work done, or so much of it as, in the opinion of the President, has been unlawfully executed, or to make such alterations as may, in the opinion of the President, be necessary to bring the work into conformity with the Law, rules, bye-laws, direction or requisition as aforesaid, or with the plans or particulars on which such permission or order was based, and may also direct that until the said order is complied with the

owner or builder shall refrain from proceeding with the building or well.

(2) The President shall serve a copy of the provisional order made under subsection (1) on the owner of the building or well together with a notice requiring him to show cause within a reasonable time to be named in such notice why the order should not be confirmed.

(3) If the owner fails to show cause to the satisfaction of the President, the President may confirm the order, with any modification he may think fit to make.

EXEMPTIONS.

Exemptions.

260. Any building constructed and used, or intended to be constructed and used, exclusively for the purpose of a plant-house, meter-house, summer-house, (not being a dwelling house), poultry-house, or aviary, covering an area not exceeding 200 square feet shall be exempted from the provisions of this chapter other than section 235, provided the building be wholly detached from, and situated at a distance of at least ten feet from the nearest adjacent building.

Chapter XI—Nuisances.

DANGEROUS BUILDINGS, TREES AND PLACES.

Precautions in case of dangerous buildings.

261. (1) If any building be deemed by the President to be in ruinous state or dangerous to passersby or to the occupiers of neighbouring structures the President may by notice require the owner or occupier to fence off, take down, secure or repair such building so as to prevent any danger therefrom.

(2) If immediate action is necessary the President may himself before giving such notice or before the period of notice expires fence off, take down, secure or repair such building or fence off a part of any street or take such temporary measures as he thinks fit to prevent danger and the cost of doing so

shall be recoverable from the owner or occupier in the manner provided in section 389.

(3) If in the President's opinion the said building is imminently dangerous to the inmate thereof, the President shall order the immediate evacuation thereof and any person disobeying may be removed by any police officer.

Precautions in case of dangerous trees.

262. (1) If any tree or any branch of a tree or the fruit of any tree be deemed by the President to be likely to fall and thereby to endanger any person using a public or private street the President may by notice require the owner of the said tree to secure, lop or cut down the said tree so as to prevent any danger therefrom.

(2) If immediate action is necessary the President may himself before giving such notice or before the period of notice expires secure, lop or cut down the said tree or remove the fruit thereof or fence off a part of any street or take such temporary measures as he thinks fit to prevent danger, and the cost of so doing shall be recoverable from the owner of the tree in the manner provided in section 389.

Precautions in case of dangerous tanks, wells, holes, etc.

263. (1) If any tank, pond, well, hole, stream, dam, bank or other place be deemed by the President to be for want of sufficient repair, protection or enclosure dangerous to the passers-by, or to persons living in the neighbourhood, the President may by notice require the owner to fill in, remove, repair, protect or enclose the same so as to prevent any danger therefrom.

(2) If immediate action is necessary the President may himself before giving such notice or before the period of notice expires take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be recoverable from the owner in the manner provided in section 389.

264. (1) The President may by notice require the owner of any building, booth, tent partly or entirely compose of, or having any external roof, verandah, pandal or wall partly or entirely composed of cloth, grass, leaves, mats, or other inflammable materials to remove or alter such building, booth, tent, roof, verandah, pandal or wall, or may grant him permission to retain the same on such conditions as the President may think necessary to prevent danger from fire.

Precautions against fire.

(2) The President may by notice require any persons using any place for the storage for private use of timber, firewood, or other combustible things to take special steps to guard against danger from fire.

(3) Where the President is of opinion that the means of egress from any building are insufficient to allow of safe exit in the event of fire, he may, with the sanction of the standing committee, by notice require the owner or occupier of the building to alter or reconstruct any staircase in such manner or to provide such additional or emergency staircases as he may direct; and when any building, booth or tent is used for purposes of public entertainment he may require, subject to such sanction as aforesaid, that it shall be provided with an adequate number of clearly indicated exits so placed and maintained as readily to afford the audience ample means of safe egress, that the seating be so arranged as not to interefere with free access to the exits, and that the gangways, passages and staircases leading to the exits shall, during the presence of the public, be kept clear of obstructions.

CONTROL OVER WATERS, ETC.

265. (1) No new well, tank, pond, cistern, ~~fountain,~~ holding more than 200 gallons or the like shall be dug or constructed without the permission of President.

Prohibition of construction of wells, tanks, etc., without the President's permission

(2) The President may grant permission, with or without conditions, or may refuse it.

(3) If any such work is begun or completed without such permission, the President may either—

(a) by notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the President shall direct or

(b) grant permission to retain such work but such permission shall not exempt such owner from proceedings for contravening the provisions of sub-section (1).

Power to stop dangerous quarrying.

266. If in the opinion of the President, the working of any quarry or the removal of stone, earth or other material from any place, is dangerous to persons residing in or having legal access to the neighbourhood thereof or creates or is likely to create a nuisance, the President may, with the approval of the standing committee, by notice, require the owner or person having control of the said quarry or place to discontinue removing stone, earth or other material from such place or to take such order with such quarry or place, as he shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

Power to order filling in of pools, etc., which are a nuisance and regulation of agriculture within Station.

267. (1) If in the opinion of the President—

(a) any pool, ditch, tank, well, pond, bog, swamp, quarry-hole, drain, cesspool, pit, watercourse, or any collection of water, or

(b) any land on which water may at any time accumulate

is or is likely to become a breeding place of mosquitoes or in any other respect a nuisance, the President may by notice require the owner or person having control thereof to fill up, cover over, weed, stock with larvicidal fish, treat with kerosine oil, drain or drain off the same in such manner and with such materials as the Pre-

sident shall direct, or to take such order with the same for removing or abating the nuisance as the President shall direct.

(2) If a person on whom a requisition is made under sub-section (1) to fill up, cover over or drain off a well, delivers to the President, within the time fixed for compliance therewith, written objections to such requisition, the President shall report such objections to the standing committee and shall make further inquiry into the case, and he shall not institute any prosecution under section 393 for failure to comply with such requisition except with the approval of the standing committee, but the President may, nevertheless, if he deems the execution of the work called for by such requisition to be of urgent importance, proceed in accordance with section 382 and pending the standing committee's disposal of the question whether the said well shall be permanently filled up, covered over, or otherwise dealt with, may cause such well to be securely covered over so as to prevent the ingress of mosquitoes and in every such case the President shall determine with the approval of the standing committee, whether the expenses of any work already done as aforesaid shall be paid by the owner or by the President out of the municipal fund or shall be shared and, if so, in what proportions.

(3) On the report of the health officer that the cultivation of any specified crop, or the use of any specified manure or the irrigation of land in any place within the limits of the station is injurious to the public health, the commission may, with the previous sanction of the Resident by public notice regulate or prohibit the cultivation, use of manure, or irrigation so reported to be injurious :

Provided that when such cultivation, or irrigation has been practised during the five years preceding the date of such public notice with such continuity as the ordinary course of husbandary admits of, compensation shall be paid from the municipal fund to all persons interested for any damage caused to them by such prohibition.

268. (1) If any private tank, well or other place, the water of which is used for drinking is not maintained in a sanitary condition, the President may by notice require the owner or person having control thereof to cleanse the same in such manner as the President may direct and may also require the said owner or person to protect the same from pollution in such manner as may be provided in the notice.

Power to order cleansing of insanitary private tank or well used for drinking

(2) If the water of any private tank, well, or other place which is used for drinking, is proved to the satisfaction of the President to be unfit for that purpose, the President may by notice require the owner or person having control thereof to

(a) refrain from using or permitting the use of such water, or

(b) close or fill up such place or enclose it with a substantial wall or fence.

269. If it appears to the President that any public well or receptacle of stagnant water is likely to be injurious to health or offensive to the neighbourhood, he shall cause the same to be cleaned, drained, or filled up.

Duty of President in respect of public well or receptacle of stagnant water.

270. The President may regulate or prohibit the washing of animals, clothes or other things or fishing in any tank or pond within the station in the interests of the public health.

Prohibition against regulation of washing animals or clothes or fishing in ~~river or~~ any tank ~~estuary or~~ pond.

271. It shall not be lawful for any person to—

(a) bathe in any tank, reservoir, conduit, fountain, well or other place set apart by the commission, or by the owner thereof, for drinking purposes;

(b) wash or cause any animal or thing to be washed in any such place;

Prohibition against contaminating water supply.

(c) throw, put or cause to enter into the water in any such place any animal, or thing whereby the water may be fouled or corrupted or

(d) cause or suffer to drain into or upon any such place, or cause or suffer anything to be brought thereinto or do anything, whereby the water may be fouled or corrupted.

CONTROL OVER ABANDONED LANDS, UNTRIMMED HEDGES, ETC.

Untenanted building or lands.

272. If any building or land, by reason of abandonment, disputed ownership or otherwise remains untenanted and thereby becomes a resort of idle and disorderly persons or in the opinion of the President becomes a nuisance, the President may after due inquiry by notice require the owner or person claiming to be the owner to secure, enclose, clear or cleanse the same.

Removal of filth or noxious vegetation.

273. The President may by notice require the owner or occupier of any building or land which is in a filthy or unwholesome state, or over-grown with prickly-pear or other noxious vegetation to cleanse, clear or otherwise put the same in proper state within twenty-four hours or such longer period and in such manner as may be specified in the notice.

Fencing of buildings or lands and pruning of hedges and trees.

274. The President may by notice require the owner or occupier of any building or land near a public street to—

(a) fence the same to the satisfaction of the President; or

(b) trim or prune any hedges bordering on the said street so that they may not exceed such height from the level of the adjoining roadway as the President may determine; or

(c) cut and trim any hedges of trees overhanging the said street and obstructing it or the view of traffic or causing it damage; or

(d) lower an enclosing wall or fence which by reason of its height and situation obstructs the view of traffic so as to cause danger.

CONTROL OVER INSANITARY BUILDINGS.

Lime washing and cleansing buildings.

275. The President if it appears to him necessary for sanitary purposes so to do may by notice require the owner or occupier of any building to lime-wash or otherwise cleanse the building inside and outside in the manner and within a period to be specified in the order.

Further powers with reference to insanitary buildings

276. (1) Whenever the President considers—

(a) that any building or portion thereof is, by reason of its having no plinth or having a plinth of insufficient height, or by reason of the want of proper drainage or ventilation or by reason of the impracticability of cleansing, attended with danger of disease to the occupiers thereof or to the inhabitants of the neighbourhood, or is for any reason likely to endanger the public health or safety, or

(b) that a block or group of buildings is, for any of the said reasons, or by reason of the manner in which the buildings are crowded together, attended with such risk as aforesaid,

he may by notice require the owners or occupiers of such buildings or portions of buildings or at his option, the owners of the land occupied by such buildings, or portions of buildings, to execute such works or to take such measures as he may deem necessary for the prevention of such danger,

(2) No person shall be entitled to compensation for damages sustained by reason of any action taken under or in pursuance of this section save when a building is demolished in pursuance of an order made hereunder, or so far demolished as to require

reconstruction in which cases the commission shall make reasonable compensation to the owner thereof.

(3) When any building is entirely demolished under this section and the demolition thereof adds to the value of the other buildings in the immediate vicinity, the owners of such other buildings shall be bound to contribute towards the compensation payable to the owner of the first named building in proportion to the increased value acquired by their own property.

(3) (4) When any building is so far demolished under this section as to require reconstruction, allowance shall be made, in determining the compensation for the benefit accruing to the premises from the improvement thereof.

Buildings unfit for human habitation.

277. (1) If any building, or portion thereof intended for or used as a dwelling-place appears to the President to be unfit for human habitation, he may apply to the standing committee to prohibit the further use of such building for such purpose and the standing committee may, after giving the owner and occupiers thereof a reasonable opportunity of showing cause why such order should not be made, make a prohibitory order as aforesaid.

(2) When any such prohibitory order has been made, the President shall communicate the purport thereof to the owner and occupiers of the building and on expiry of such period as is specified in the notice, not being less than thirty days after the service of the notice, no owner or occupier shall use or suffer it to be used for human habitation until the President certifies in writing that the causes rendering it unfit for human habitation have been removed to his satisfaction, or the standing committee withdraws the prohibition.

(3) When such prohibitory order has remained in operation for three months the President shall report the case to the stand-

ing committee which shall thereupon consider whether the building should not be demolished. The standing committee shall give the owner not less than thirty days notice of the time and place at which the question will be considered and the owner shall be entitled to be heard when the question is taken into consideration.

(4) If upon such consideration the standing committee is of opinion that the building has not been rendered fit for human habitation and that steps are not being taken with due diligence to render it so fit and that the continuance thereof is a nuisance or dangerous or injurious to the health of the public or to the inhabitants of the neighbourhood it shall record a decision to that effect, with the grounds of the decision, and the President shall in pursuance of the said decision by notice require the owner to demolish the building.

(5) If the owner undertakes to execute forthwith the works necessary to render the building fit for human habitation and the President considers that it can be so made fit the President may postpone the execution of the decision of the standing committee for such time not exceeding six months, as he thinks sufficient for the purpose of giving the owner an opportunity of executing the necessary works.

Abatement of overcrowding in dwelling-house or dwelling-place

278. (1) If it appears to the President that any dwelling-house or other building which is used as a dwelling-place or any room in any such dwelling-house or building is so overcrowded as to endanger the health of the inmates thereof, he may ~~apply to a magistrate to abate such overcrowding; and the magistrate~~ after such inquiry as he thinks fit to make, ~~may~~ by written order, require the owner of the building or room, within a reasonable time, not exceeding four weeks, to be laid down in the said order, to abate such overcrowding by reducing the number of lodgers, tenants or other inmates of the building or

room, or any pass such other order as he may deem just and proper.

(2) The standing committee may declare what amount of superficial and cubic space shall be deemed for the purposes of sub-section (1) to be necessary for each occupant of a building or room.

(3) If any building or room referred to in sub-section (1) has been sublet, the landlord of the lodgers tenants or other actual inmates of the same shall, for the purposes of this section, be deemed to be the owner of the building or room.

(4) It shall be incumbent on every tenant, lodger, or other inmates of a building or room, to vacate on being required by the owner so to do in obedience to any requisition made under sub-section (1).

GENERAL.

279. (1) When the President takes down any building or part thereof or cuts down any tree or hedge or shrub or part thereof or removes any fruit in virtue of his powers under this chapter or under section 382, the President may sell the materials or things taken down or cut down or removed and shall in the case of sale apply the proceeds in or towards payment of the expenses incurred and pay any surplus accruing from such sale to the owner or other person entitled thereto on demand made within twelve months from the date of sale. If no such demand is made such surplus shall be forfeited to the commission.

Power of President to use or sell materials of dangerous building taken down, etc.

(2) If after reasonable inquiry it appears to the President that there is no owner or occupier to whom notice can be given under any section in this chapter he may himself take such order with the property mentioned in such section as may appear to him to be necessary and may recover the expense incurred by selling such property (not being land) or any portion thereof.

280. No person shall be entitled save as provided in sections 267 and 276 to compensation for any damages sustained by reason of any action taken by a municipal authority in pursuance of its powers under this chapter.

Limitation of compensation.

Chapter XII. Licences and fees.

General provisions as to Licences.

281. Nothing in this chapter shall be ~~construed~~ construed as requiring the Government to take out a licence in respect of any place in the occupation or under the control of the Government or in respect of any property belonging to the Government.

Exemption of Government from taking out licences.

Lodging Houses.

282. No person shall without or otherwise than in conformity with a licence from the President keep or use a place as a lodging house in any part of the station.

Prohibition in respect of lodging houses.

Keeping of animals.

283. No person shall—

(a) without the permission of the President or otherwise than in conformity with the terms of such permission, keep pigs in any part of the station;

(b) keep any animal on his premises so as to be a nuisance or so as to be dangerous; or

(c) feed or permit to be fed on filth any animal, which is kept for dairy purposes or may be used for food.

Prohibition in respect of keeping and feeding animals.

284. If any dogs not taxed under this Law or pigs are found straying, the same may be summarily destroyed by any person authorised in that behalf in writing by the President.

Destruction of stray pig and dogs.

285. (1) The owner or occupier of any stable, veterinary, infirmary, stand, shed, yard, or other place in which quadrupeds are kept or taken in for purposes of profit, shall, in the first month of every year, or, in the case of a place to be newly opened within one month before the opening or such place, apply to the President for a licence,

Licences for places in which animals are kept.

(2) The President may, by an order and under such restriction and regulations as he thinks fit, grant or refuse to grant such licence.

(3) No person shall, without or otherwise than in conformity with a licence, use any place for any such purpose.

286. (1) All stables, cattle-sheds and cow-houses shall be under the survey and control of the President as regards their site, construction, materials and dimensions.

General powers of control over stables, cattle-sheds and cow-houses.

(2) The President may by notice require that any stable, cattle-shed or cow-house be altered, paved, drained, repaired, disinfected or kept in such a state as to admit of its being sufficiently cleaned, or be supplied with water, or be connected with a sewer, or be demolished.

(3) Every such notice shall be addressed to the owner or person having control of the stable, cattle-shed or cow-house.

(4) The expense of executing any work in pursuance of any such notice shall be borne by the owner.

287. If any stable, cattle-shed or cow-house is not constructed or maintained in the manner required by or under this Law, the President may by notice direct that the same shall no longer be used as a stable, cattle-shed or cow-house. Every such notice shall state the grounds on which it proceeds.

Power to direct discontinuance of use of building as a stable, cattle-shed or cow-house.

288. (1) The President may construct or provide and maintain public cart-stands, cattle-sheds and cow-houses and may require the payment of such rents and fees, if any, for the use of the same as the standing committee may determine.

Provision of public cattle-stands and sheds.

(2) The President may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms and conditions as he may think fit.

289. (1) The occupier of any premises in or on which any animal shall die or on which the carcass of any animal shall be found, and the person having the charge of any animal which dies in a street or in any open space, shall, within three hours after the death of such animal, or if the death occurs at night, within three hours after sunrise, either—

Removal of carcasses of animals.

(a) remove the carcass of such animal to such receptacle, depot or place as may be appointed by the commission in that behalf, or

(b) report the death of the animal to an officer of the health department of the division of the station in which the death occurred, with a view to his causing the same to be removed.

(2) When any carcass is so removed by the health department, a fee for the removal of such amount as shall be fixed by the President, shall be paid by the owner of the animal or, if the owner is not known, by the occupier of the premises in or upon which, or by the person in whose charge the animal died.

INDUSTRIES AND FACTORIES.

290. (1) The owner or occupier of every place used for any purpose specified in schedule III shall in the first month of every year or, in the case

Purposes for which places may not be passed without licence.

of a place to be newly opened, before it is opened, apply to the President for a licence for the use of such place for such purpose.

(2) The President may, by an order and under such restrictions and regulations as he thinks fit, grant or refuse to grant such licence.

(3) No person shall, without or otherwise than in conformity with such a licence, use any place for such purpose.

Prohibition against erection without permission of machinery which may cause nuisance.

291. (1) No person shall, without the permission of the President, erect anywhere any steam-boiler or machinery by the use of which smoke, smell, noise, vibration, dust, or floating particles of combustible or other matter are produced or danger is likely to arise to the inhabitants of the neighbourhood.

(2) The President may refuse to give such permission if he is of opinion that such boiler or machinery in the proposed position is objectionable by reason of the density of the population in the neighbourhood or will be a nuisance to the inhabitants of the neighbourhood or may grant such permission under such restrictions and regulations as he thinks fit.

(3) all chimneys in connection with any steam-boiler or machinery erected within the station shall be of such height and dimensions as the President may determine.

Power to prohibit working of factory by night and using of rice-husk etc., for fuel.

292. The President may at any time by general or special order prohibit—

(a) the working between the hours of 9-30 P.M. and 5-30 A.M. of any machinery making a noise or causing a vibration, if he is of opinion that such noise or vibration will disturb the sleep of the inhabitants of the neighbourhood; or

(b) the use of rice-husk or similar products as fuel in any furnace worked for

any industrial purpose, if he is of opinion that a public nuisance is likely to be caused by such use;

(c) the use or employment in any factory or other place of any steam-whistle, steam-trumpet or buzzer.

DEPOTS FOR COMBUSTIBLES.

293. (1) The owner or occupier of any place for the sale or storage for other than domestic use of timber, firewood, charcoal, straw, coal, or any other combustible thing, shall in the first month of every year or, in the case of a place to be newly opened, within one month before the opening thereof, apply to the President for a licence.

Licence for depots for combustibles.

(2) Every application for such licence shall contain a statement showing the boundaries and measurements of such place.

(3) The President may, by an order and under such restrictions and regulations as he thinks fit, grant or refuse to grant such licence.

(4) No person shall, without or otherwise than in conformity with a licence use any place for any such purpose.

WASHING AND BATHING.

294. The commission may set apart places for use by the public for bathing purposes and for washing animals.

Provision of places for bathing and for washing animals.

295. (1) The commission may construct or provide and maintain public wash-houses or places for the washing of clothes, and may require the payment of such rents and fees for the use of any such wash-house or place as it may determine.

Provision of public wash-houses.

(2) The commission may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms and conditions as ~~he~~ it may think fit.

(3) If a sufficient number or public wash-houses or places be not maintained under sub-section (1), the President may without making any charge therefor appoint suitable places for the exercise by washermen of their calling.

Prohibition against washing by washermen at unauthorised places.

296. (1) The President may by public notice prohibit the washing of clothes by washermen in the exercise of their calling within the station, except at—

(a) public wash-houses or places maintained or provided under section 295; or 294

(b) such other places as he may appoint for the purpose.

(2) When any such prohibition has been made no person who is by calling a washerman shall, in contravention of such prohibition, wash clothes, except for himself or for personal and family service or for hire on and within the premises of the hirer, at any place within municipal limits other than a public wash-house or place maintained or appointed under this Law;

SLAUGHTER-HOUSES.

Provision of municipal slaughter-houses.

297. (1) The commission shall provide a sufficient number of places for use as municipal slaughter-houses and the President, with the approval of the standing committee, may charge such rents and fees for their use as he may think fit.

(2) The President may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms and conditions as he may think fit.

Slaughter of animals during festivals and ceremonies.

298. The President may allow any animal to be slaughtered in such places as he thinks fit on occasions of festivals and ceremonies or as a special measure.

299. No person shall slaughter within the station any cattle, horse, sheep, goat or pig for sale or food or skin or cut up any carcass without or otherwise than in conformity with a license from the President or dry or permit to be dried any skin in such a manner as to cause a nuisance.

Slaughter of animals for sale or food.

300. The President may authorise any person to slaughter without a license and without the payment of any fee any animal for the purpose of a religious ceremony.

Slaughter of animals for religious ceremony.

THE MILK TRADE.

301. (1) No person shall without or otherwise than in conformity with a licence from the President—

Regulation of milktrade.

(a) carry on within the station the trade or business of a dealer in or importer or seller or hawker of milk or dairy produce;

~~(b)~~ use any place in the station for the sale of milk or dairy produce,

(2) Such licence may be refused or may be granted either unconditionally or upon conditions laid down by the President.

MARKETS, BUTCHERS' SHOPS, ETC.

302. All markets which are constructed, repaired or maintained out of the Municipal fund shall be deemed to be public markets.

Public Markets.

303. (1) The commission may provide places for use as public markets.

Powers of municipal authorities in respect of public markets.

(2) The President, with the ~~approval of the standing committee~~, may charge such rents and fees as he may think fit for the use of such markets, or the right to expose goods for sale therein and for the use of any shop, stall, pen, or stand therein and may, let on lease, or farm the stallages, rent and fees leviable therein as aforesaid,

sanction of the Commission

or any other portion thereof, for any period not exceeding one year at a time.

304. (1) No person shall, without or otherwise than in comformity with a licence from the President, sell or expose for sale any animal or article within any public market.

President's control over public markets.

(2) The President may expel from any public market any person who or whose servant has been convicted of disobeying any regulation or bye-law at the time in force in such market and may prevent such person from carrying on by himself or his agent any trade or business in such market or occupying any shop, stall, or other place therein, and may determine any lease or tenure which such person may possess in any such shop, stall or place.

305. No person shall establish any new private market for the sale of animals intended for human food or any article of human food or for the purpose of exposing for sale animals intended for human food except with the sanction of the Commission.

Establishment of private markets.

306. (1) No person shall without or otherwise than in conformity with an ~~animal~~ license (annual) granted by the President in this behalf continue to keep open a private market. Application for the renewal of the license shall be made in the first month of every year.

Licencing of private markets.

(2) The commission may by an order, subject to such restrictions and regulations as it thinks fit,—

(a) grant or refuse to grant or renew such license, or

(b) withhold the license until the owner or occupier executes such works as may be specified in the order:

Provided that the President shall not refuse or withhold such license for any cause other than the failure of the owner or occupier thereof to comply with some provi-

sion of this Law or some regulation made under section 310 or some bye-law made under section 351

(3) The President shall cause a notice that the market has been so licensed to be affixed in English and in two vernacular languages in some conspicuous place at or near the entrance to every such market.

(4) The President if a license has been refused or withhold as aforesaid, shall cause a notice of such refusal or withholding to be affixed in English and two vernacular languages to some conspicuous place at or near the entrance to the premises.

Sale in unlicensed private market.

307. It shall not be lawful for any person to sell or expose for sale any animal or article in any unlicensed private market.

Powers of President in respect of private markets.

308. The President may by notice require the owner or occupier or farmer of any private market for the sale of any animal or article of food to—

(a) construct approaches, entrances, passages, gates, drains and cesspits for such market and provide it with latrines;

(b) roof and pave the whole or any portion of it or pave any portion of the floor with such material as will in the opinion of the President secure imperviousness and ready cleansing;

(c) ventilate it properly and provide it with a supply of water;

(d) provide passages of sufficient width betwen the stalls; and

(e) keep it in cleanly and proper state and remove all filth and rubbish therefrom.

Suspension or refusal of licence in default.

309. (1) If any person, after notice given to him in that behalf by the President fails within the period and in the manner laid down in the said notice to carry

out any of the works specified in section 308 the President may, with the sanction of the standing committee suspend the licence of the said person, or may refuse to grant him a licence until such works have been completed.

(2) It shall not be lawful for any person to open or keep open any such market after such suspension or refusal.

Power of President to make regulations for markets, bazaars, slaughter-houses, and places set apart for sacrifice of animals.

310. The President may, with the approval of the standing committee, make regulation, not inconsistent with any provision of this Law or of any bye-law made under section 351,

(a) for preventing nuisances or obstruction in any market-building, market-place, bazaar or slaughter-house or in the approaches thereto, or in any of the roads, paths or ways in any market or bazaar;

(b) fixing the days and the hours on and during which any market, bazaar or slaughter-house may be held or kept open for use;

(c) for keeping every market-building, market-place, bazaar, slaughter-house and place specified under section 298 in a cleanly and proper state, and for removing filth and rubbish therefrom;

(d) requiring that any market building, market-place, bazaar, slaughter-house or place specified as aforesaid be properly ventilated and be provided with a sufficient supply of water;

(e) requiring that, in market-buildings, market-places and bazaars, passages be provided between the stalls of sufficient width for the convenient use of the public; and

(f) requiring that in such market-buildings, market-places and bazaars separate areas be set apart for different classes of articles.

311. No person shall, without or otherwise than in conformity with a licence from the President, carry on the trade of a butcher, fishmonger or poulterer or use any place for the sale of flesh or fish intended for human food:

Butcher's, fishmongers and poulterer's licence.

Provided that no licence shall be required for a place used for the selling or storing for sale of preserved flesh or fish contained in air-tight and hermetically sealed receptacles.

312. The President may, with the sanction of the standing committee, prohibit by public notice or licence or regulate the sale or exposure for sale, of any articles in or on any public street or part thereof.

Power to prohibit or regulate sale of articles in public streets.

INSPECTION OF PLACES FOR SALE, ETC.

313. The President may make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter, oil and any other articles exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale.

Duty of President to inspect.

314. (1) The President or any person authorised by him in writing for the purpose may without notice enter any slaughter-house, or any place where animals, poultry or fish intended for food are exposed for sale or where articles of food are being manufactured or exposed for sale at any time by day or night, when the slaughter, exposure for sale or manufacture is being carried on and inspect the same and any utensil or vessel used for manufacturing, preparing or containing any such article.

Powers of President for purpose of inspection.

(2) If the President or any person so authorised by him has reason to believe that in any place any animal intended for human

food is being slaughtered or any carcass is being skinned or cut up or that any food is being manufactured, stored, prepared, packed, cleansed, kept or exposed for sale, or sold without, or otherwise than in conformity with a licence, he may enter any such place without notice, at any time by day or night for the purpose of satisfying himself whether any provision of law, bye-laws or regulation or any condition of a licence is being contravened.

(3) No claim shall lie against the President or any person acting under his authority or the commission for any damage or inconvenience caused by the exercise of powers under this section or by the use of any force necessary for effecting any entry into any place under this section.

(4) In any legal proceedings in respect of powers exercised under this section in which it is alleged that any animals, poultry, fish or articles of food were not kept, exposed, hawked about, manufactured, prepared, stored, packed, or cleansed for sale, or were not intended for human food, the burden of proof shall lie on the party so alleging.

Preventing inspection by President.

315. No person shall in any manner whatsoever obstruct the President or person duly authorised by him in the exercise of his powers under the last preceding section.

Powers of President to seize diseased animal, noxious food, etc.

316. If any animal, poultry or fish intended for food appears to the President or to a person duly authorised by him, to be diseased, or any food appears to him to be noxious, or if any vessel or utensil used in manufacturing, preparing or containing any article of food appears to be of such kind or in such state as to render the article noxious, he may seize or carry away or secure any such thing.

Explanation—Meat subjected to the process of blowing shall be deemed to be noxious.

317. No person shall remove or in any way interfere with anything secured under the last preceding section.

Removing or interfering with articles seized.

318. (1) When any animal, poultry, fish or other article of food is seized under section 316, it may, with the consent of the owner or person in whose possession it was found, be forthwith destroyed in such manner as to prevent its being used for human food or exposed for sale, and if the article is perishable, without such consent.

Power to destroy article seized.

(2) Any expenses incurred in destroying anything under sub-section (1), shall be paid by tne owner or person in whose possession such thing was at the time of its seizure.

319. (1) Articles of food, animals, poultry, fish, utensils, or vessels, seized under section 316 and not destroyed under section 318 shall as soon as possible be produced before a magistrate.

Production of articles etc., seized before magistrate and powers of magistrate to deal with them.

(2) Whether or not complaint is laid before the magistrate of any offence under the Indian Penal Code or under this Law, if it appears to the magistrate on taking such evidence as he thinks necessary that any such animal, poultry or fish is diseased, or any such article is noxious or any such utensil or vessel is of such kind or in such state as is described in section 316 he may order the same,

(a) to be forfeited to the commission,

(b) to be destroyed at the charge of the owner or person in whose possession it was at the time of seizure, in such manner as to prevent the same being again exposed or hawked about for sale, or used for human

food or for the manufacture or preparation of, or for containing, any such article as aforesaid.

DISPOSAL OF THE DEAD.

Registration or closing of ownerless places for disposal of dead.

320. (1) If it appears to the President that there is no owner or person having the control of any place used for burying, burning, or otherwise disposing of the dead, he shall assume such control and register such place, or may, with the sanction of the commission, close it.

Licensing of places for disposal of dead.

321. No new place for the disposal of the dead, whether public or private, shall be opened, formed, constructed, or used unless a licence has been obtained from the commission on application.

(2) Such application for a licence shall be accompanied by a plan of the place to be registered, showing the locality, boundaries, and extent thereof, the name of the owner or person or community interested therein, the system of management and such further particulars as the commission may require.

(3) The commission may

(a) Grant or refuse a licence, or

(b) postpone the grant of a licence until his objections to the site have been removed or any particulars called for by him have been furnished.

Provision of burial and burning grounds and crematoria within or without the Station by the Commission.

322. The commission may, and shall if no sufficient provision exists, provide places to be used as burial or burning grounds or crematoria, and may charge rents and fees for the use thereof.

Register of registered, licensed and provided places and prohibition of use of other places.

323. (1) A book shall be kept at the municipal office in which the places registered, licensed or provided under section 320, 321 or 322 and all such places regis-

tered, licensed, or provided before the commencement of this Law, shall be recorded, and the plans of such places shall be filed in such office.

(2) Notice that such place has been registered, licensed, or provided as aforesaid shall be affixed in English and in at least one vernacular language to some conspicuous place at or near the entrance to the burial or burning ground or other place as aforesaid.

(3) The commission shall annually publish a list of all places registered, licensed, or provided as aforesaid or provided by the Government.

(4) No person shall bury, burn or otherwise dispose of any corpse except in a place which has been registered, licensed or provided as aforesaid.

Report of burials and burnings.

324. The person having control of a place for disposing of the dead shall give information of every burial, burning or other disposal of a corpse at such place to the officer, if any, appointed by the President in that behalf.

Prohibition against making of vault or grave in place of worship.

325. No person shall make a vault or grave or cause any corpse to be buried within the walls of or underneath any place of public worship:

Provided that in the case of an existing vault, the President may, subject to the general or special orders of the Resident, authorize the burial in such vault of near relatives of the family to whom it belongs.

Prohibition against use of burial and burning grounds dangerous to health or overcrowded with graves.

326. If the commission is of opinion—

(a) that any registered or licensed place for disposal of the dead is in such a state as to be dangerous to the health of the persons living in the neighbourhood thereof, or

(b) that any burial ground is overcrowded with graves,

and if in the case of a public burial or burning ground or other place as aforesaid another convenient place duly authorised for the disposal of the dead exists or has been provided for the persons who would ordinarily make use of such place,

it may, with the previous sanction of the Resident, give notice that it shall not be lawful after a period to be named in such notice, to bury, burn, or otherwise dispose of any corpse at such place.

(2) Every notice given under subsection (1) shall be published and a translation thereof in at least one vernacular language shall be affixed to some part of such place.

(3) After the expiry of the period named in such notice it shall not be lawful to bury, burn, or otherwise dispose of a corpse at such place except with the permission of the President.

Prohibition against burial or burning contrary to law or bye-laws.

327. No person shall bury, burn or otherwise dispose of a corpse or part thereof in any place otherwise than in accordance with the provisions of this Law and of any bye-laws made under this Law.

Grave-digger's licence.

328. No person shall discharge the office of a grave digger or other attendant at a public place for the disposal of the dead (other than a place provided by the Government) unless he has been licensed in that behalf by the President.

Chapter XIII. Vital Statistics and the Prevention of Disease.

VITAL STATISTICS.

Compulsory registration of vital statistics.

329. (1) The commission shall register all births and deaths occurring in the station.

(2) Such registration shall be made and enforced in the prescribed manner.

Census.

330. (1) At such time and in such manner as the Resident may direct, an enumeration shall be made of the population of the whole station or of any part thereof,

(2) Such enumerations shall be made and enforced in the prescribed manner.

DANGEROUS DISEASES.

Power to notify dangerous disease.

331. The Resident may, by notification declare any epidemic, endemic or infectious disease (not already specified in sub-clause (a) of section 3, clause 10) to be a dangerous disease for the purposes of this law.

Obligation of medical practitioner or owner or occupier to report dangerous disease.

332. (1) If any medical practitioner becomes cognizant of the existence of any disease in any private or public dwelling in the station, he shall inform the President, the health officer, the medical registrar of the district or the sanitary inspector of the division with the least practicable delay.

(2) The information shall be communicated in such form and with such details as the President may require.

(3) The commission may direct the compulsory notification by the owner or occupier of every house within the municipal limits, during such period and to such officer as the commission may prescribe of all deaths from or occurrences of dangerous disease in his house,

Explanation.—Sub-sections (1) and (2) shall apply to a hakim or a vaidyan.

Power of entry into suspected places.

333. The President may at any time by day or by night without notice, or after giving such notice as may appear to him reasonable, inspect or authorise any person to inspect any place in which any

dangerous disease is reported or suspected to exist, and take such measures as he may think fit to prevent the spread of such disease.

PREVENTION OF INFECTION.

Provision of conveyances for carriage of patients.

334. The commission may provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease.

Power to order removal of patients to hospitals.

335. (1) If in the case of any person in a hospital, it appears to the officer in charge of it that such person is suffering from a dangerous disease,

or if, in the case of any other person, it appears to the health officer or assistant health officer that such person is suffering from a dangerous disease, and

(a) is without proper lodging or accommodation or

(b) is lodged in a place occupied by more than one family, or

(c) is without medical supervision directed to prevent the spread of the disease,

and if such officer in charge, health officer or assistant health officer as the case may be, considers,

that such person should be removed to a hospital or other place at which patients suffering from such disease are received for medical treatment,

he may remove such person or cause him to be removed to the said hospital or place,

Provided that, if any such person is a female she shall not be removed to any such hospital or place unless the same has accommodation of a suitable kind set apart from the portions assigned to males.

(2) If any female, who, according to custom, does not appear in public, be removed to any hospital or place under sub-section (1),

(a) the removal shall be effected in such a way as to preserve her privacy;

(b) special accommodation suited to such custom shall be provided for her in such hospital or place ; and

(c) a female relative shall be allowed to remain with her.

(3) Whoever obstructs the removal of a person under this section shall be deemed to have committed an offence punishable under section 269 of the Indian Penal Code.

Disinfection of buildings and articles.

336. (1) If the President is of opinion that the cleansing or disinfecting of a building or of any part thereof, or of any article therein which is likely to retain infection, will tend to prevent or check the spread of any dangerous disease he may by notice require the owner or occupier to cleanse or disinfect the same, in the manner and within the time specified in such notice.

(2) The owner or occupier shall within the time specified as aforesaid comply with the terms of the notice.

(3) If the President considers that immediate action is necessary, or that the owner or occupier is, by reason of poverty or otherwise, unable effectually to comply with his requisition, the President may himself without notice cause such building or article to be cleansed or disinfected, and for this purpose may cause such article to be removed from the building or premises; and the expenses incurred by the President shall be recoverable from the said owner or occupier in cases in which such owner or occupier is, in the opinion of the President, not unable by reason of poverty effectually to comply with such requisition.

337. (1) If the President is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may, after giving to the owner or occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

Destruction of huts and sheds when necessary.

(2) Compensation shall be paid by the commission to any person who sustains substantial loss by the destruction of any such hut or shed; but, except as so allowed by the President, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by this section.

338. (1) The President may—

Provision of places for disinfection and power to destroy infected articles.

(a) provide proper places with all necessary attendants and apparatus for the disinfection of conveyances, clothing, bedding, or other articles which have been exposed to infection, and

(b) cause conveyances, clothing, bedding or other articles brought for disinfection to be disinfected free of charge or subject to such charges as may be approved by the standing committee.

(2) The President may notify places at which conveyances, clothing, bedding or other articles which have been exposed to infection shall be washed and no person shall wash any such article at any place not so notified.

(3) The President may direct any clothing, bedding or other articles likely to retain infection to be disinfected or destroyed, and may give compensation for any article destroyed under this sub-section.

339. No person shall, without previously disinfecting it give, lend, let, hire, sell, transmit, or otherwise dispose of any article which he knows or

Prohibition against transfer of infected articles.

has reason to know has been exposed to infection from any dangerous disease:

Provided that nothing in this section shall apply to a person who transmits with proper precautions any article for the purpose of having it disinfected.

Prohibition against diseased persons entering public conveyance.

340. (1) No person who is suffering from any dangerous disease shall enter a public conveyance without previously notifying to the owner or driver or person in charge of such conveyance that he is so suffering.

(2) No owner or driver or person in charge of a public conveyance shall be bound to convey any person suffering as aforesaid, unless and until the said person pays or tenders a sum sufficient to cover any loss and costs that may be incurred in disinfecting such conveyance.

(3) A court convicting any person of contravening sub-section (1) may levy in addition to the penalty for the offence provided in this Law such amount as the court deems sufficient to cover the loss and costs which the owner or driver must incur for the purpose of disinfecting the conveyance; the amount so imposed shall be awarded by the court to the owner or driver of the conveyance:

Provided that in a case which is subject to appeal, such amount shall not be paid to the owner or driver before the period allowed for presenting the appeal has elapsed; or if an appeal is presented before the decision of the appeal.

(4) At the time of awarding compensation in any subsequent civil suit relating to the same matter, the court shall take into account any sum which the plaintiff shall have received under this section.

Disinfection of public conveyance after carriage of patients.

341. (1) The owner, driver or person in charge of any public conveyance in which any person suffering from a dangerous disease has been

carried shall forthwith disinfect the conveyance or cause it to be disinfected.

(2) No such conveyance shall be used until the health officer or some person authorised by him in this behalf has granted a certificate stating that it may be used without causing risk of infection.

Letting of infected buildings.

342. (1) No person shall let or sublet or for that purpose allow any person to enter a building or any part of a building in which he knows or has reason to know that a person has been suffering from a dangerous disease until the health officer has granted a certificate that such building may be re-occupied.

(2) For the purposes of sub-section (1) the keeper of a hotel, lodging house or emigration depot shall be deemed to let the same or part of the same to any person accommodated therein.

Power to order closure of places of public entertainment.

343. In the event of the prevalence of any dangerous disease within the station, the President may, with the sanction of the standing committee, by notice require the owner or occupier of any building, booth or tent used for purposes of public entertainment to close the same for such period as may be fixed by the standing committee.

Minor suffering from dangerous disease not to attend school.

344. No person being the parent or having the care or charge of a minor who is or has been suffering from a dangerous disease or has been exposed to infection therefrom shall, after a notice from the health officer that the minor is not to be sent to school or college, permit such minor to attend school or college without having procured from the health officer a certificate (which shall be granted free of charge on application) that in his opinion such minor may attend without undue risk of communicating such disease to others.

345. (1) If any person knows that he is suffering from an infectious disease he shall not take any book or use or cause any book to be taken for his use from or in any public or circulating library,

Provision as to library books.

(2) A person shall not permit any book which has been taken from a public or circulating library, and is under his control, to be used by any person whom he knows to be suffering from an infectious disease.

(3) A person shall not return to any public or circulating library any book which he knows to have been exposed to infection from any infectious disease, or permit any such book which is under his control to be so returned but shall give notice to the President that the book has been so exposed to infection and the President shall cause the book to be disinfected and returned to the library or to be destroyed.

(4) The President shall pay to the proprietor of the library from which the book is procured the value of any book destroyed under the power given by this section.

Explanation:—For the purposes of this section the President may from time to time notify what diseases are to be deemed infectious.

SMALL POX.

346. The commission shall enforce vaccination throughout the station in the prescribed manner.

Compulsory vaccination.

347. Where an inmate of any dwelling-place within the station is suffering from small pox the head of the family to which the inmate belongs and, in his default, the occupier or person in charge of such place, shall inform the President, the health officer, the sanitary inspector of the division or such other person as may be authorised by the President to receive such report with the least practicable delay.

Obligation to give information of small pox.

348. (1) Inoculation for small pox is prohibited.

Prohibition of inoculation for small pox.

(2) No person who has undergone the operation of inoculation shall enter the station before the lapse of forty days from the date of inoculation without a certificate from a medical practitioner of such class as the President may authorise to grant such certificates stating that such person is no longer likely to produce small pox by contact or near approach.

PART V.

SUBSIDIARY LEGISLATION AND PENALTIES.

Chapter XIV. Rules—Bye-laws & Regulations.

RULES AND SCHEDULES.

349. (1) The Resident may make rules to carry out all or any of the purposes of this Law not inconsistent therewith.

Power of Resident to make rules.

(2) In particular and without prejudice to the generality of the foregoing power such rules may—

(a) provide for all matters expressly required or allowed by this Law to be prescribed;

(b) provide for all matters relating to elections or appointments of commissioners not expressly provided for;

(c) prescribed the forms of all registers and returns the manner in which such registers shall be maintained the dates on which the returns shall be made and the officers to whom they shall be sent.

(d) prescribe the form of warrant under rule 17 and the form of notice of sale under rule 19 of schedule I.

(3) The Resident may make rules altering, adding to, or cancelling any part of Schedule III or Parts II to IV of Schedule II.

(4) All references made in this Law to any of the aforesaid schedules shall be construed as referring to such schedules as for the time being amended in exercise of the powers conferred by sub-section (3).

(5) In making any rule the Resident may provide that a breach thereof shall be punishable with a fine which may extend to one hundred rupees.

Making of rules after previous publication.

350. The power to make rules and the power to issue notifications are subject to the following conditions:—

(a) A draft of the rules or notification shall be published in the Residency orders and forwarded to the commission for its opinion.

(b) Such draft shall not be further proceeded with until six weeks after such publication or until such later date as the Resident may appoint.

(c) All rules shall be published in the Residency Orders and upon such publication shall have effect as if enacted in this Law.

BYE-LAWS.

Power of commission to make bye-laws.

351. The commission may make bye-laws, not inconsistent with this Law or with any other law to provide—

(1) for the due performance by all municipal officers and servants of the duties assigned to them;

(2) for the conduct of its proceedings and those of the standing committee and also for the maintenance of order at its meetings and those of the standing committees;

(3) for the regulation of the time and mode of assessing and collecting the taxes, duties and tolls under this Law and the rates at which they shall be levied;

(4) (a) for the use of public tanks, wells, conduits and other places or works for water supply;

(b) for the regulation of public bathing, washing and the like;

(c) for maintenance and protection of the water supply system, and the protection of the water supply from contamination;

(d) for the conditions on which house-connections with the water supply mains may be made; for their alteration and repair and for their being kept in proper order;

(e) for supply of water for domestic consumption and use;

(f) for the prevention of waste of water;

(g) for the measurement of water;

(h) for the compulsory provision of cisterns and meters;

(i) for the supply of water in case of fire;

(5) for the maintenance and protection of the lighting system;

(6) (a) for the maintenance and protection of the drainage system;

(b) for the construction of house drains, and for regulating their situation, mode of construction and materials;

(c) for the alteration and repair of house drains;

(d) for the cleansing of house drains;

(e) for the construction of closed cess-pools and drains;

(f) for the payment or apportionment of money payable on account of pipes or drains common to more premises than one;

(7) for the cleansing of latrines, earth-closets, ash-pits and cess-pools, and the keeping of latrines supplied with sufficient water for flushing;

(8) (a) for the testing of water-pipes and drains in private premises, the recovery or the apportionment of the cost of such testing, and the breaking up of ground or of buildings for the purpose of such testing;

(b) for the licensing of plumbers, fitters, and for the compulsory employment of licensed plumbers and fitters;

(9) (a) for the laying out of streets, and for determining the information and plans to be submitted with applications for permission to lay out of streets; and for regulating the level and width of public streets and the height of buildings abutting thereon;

(b) for the regulation of the use of public streets, and the closing thereof or parts thereof;

(c) for the regulation of traffic in public streets, or their reservation for particular kinds of traffic;

(d) for the protection of avenues, trees, grass and other appurtenances of public streets and other places;

(10) for the regulation of the use of parks, gardens and other public or municipal places;

(11) (a) for the regulation of building;

(b) for determining the information and plans to be submitted with applications to build;

(c) for the licensing of builders and surveyors and for the compulsory employment of licensed builders and surveyors.

(12) for the regulation of hotels, lodging houses, boarding houses, choultries, rest houses, emigration depots, restaurants, eating houses, cafes, refreshment rooms, coffee houses and any premises to which the public are admitted for repose or for the consumption of any food or drink;

(13) for regulating the mode of constructing stables, cattle-sheds and cow-houses and connecting them with municipal drains;

(14) for the sanitary control and supervision of places used for any of the purposes specified in schedule III and of any trade or manufacture carried on therein;

(15) (a) for the control and supervision of slaughter-houses and of places used for skinning and cutting up of carcasses;

(b) for the control and supervision of the methods of slaughtering;

(c) for the control and supervision of butchers carrying on business in the station;

(16) for the inspection of milch-cattle, and the regulation of the ventilation, lighting, cleaning, drainage and water supply of dairies and cattle-sheds in the occupation of persons following the trade of dairy man or milk seller;

(17) for enforcing the cleanliness of milk stores and milk shops and vessels and utensils used by the keepers thereof or by hawkers for containing or measuring milk or preparing any milk product;

(18) for requiring notice to be given whenever any milch-animal is affected with any contagious disease and prescribing the precautions to be taken in order to protect milch-cattle and milk against infection and contamination;

(19) (a) for the inspection of public and private markets and shops and other places therein;

(b) for the regulation of their use and the control of their sanitary condition;

(20) for prescribing the method of sale of articles whether by measure, weight, tale or piece;

(21) for prescribing and providing standard weights, scales and measures and preventing the use of any others;

(22) for the prevention of the sale or exposure for sale of unwholesome meat, fish or provisions and securing the efficient inspec-

tion and sanitary regulation of shops in which articles intended for human food are kept or sold ;

(23) (a) for the regulation of burial and burning grounds and other places for the disposal of corpses ;

(b) for the levy of fees for the use of such burial and burning grounds, and crematoria as are maintained by the commission ;

(c) for the verification of deaths and the causes of death ;

(d) for the period for which corpses must be kept for inspection ;

(e) for the period within which corpses must be conveyed to a burial or burning ground, and the mode of conveyance of corpses through public places ;

(24) for the registration of births, deaths and marriages ;

(25) for the enumeration of the inhabitants of the station ;

(26) for the prevention of dangerous diseases of men or animals ;

(27) for the enforcement of compulsory vaccination ;

(28) for the prevention of out-breaks of fire ;

(29) for the prohibition and regulation of advertisements in public streets or parks ;

(30) in general for securing cleanliness, safety and order and the good government and well-being of the station and for carrying out all the purposes of this Law.

Power to give retrospective effect to certain bye-laws.

352. Bye-laws with regard to the drainage of, and supply of water to, buildings and water-closets, earth-closets, privies, ash-pits, and cess-pools in connection with buildings and the keeping of water-closets supplied with sufficient water

for flushing may be made so as to affect buildings erected before the passing of the bye-laws or of this Law.

Penalty for breaches of bye-laws.

353. In making any bye-law the commission may provide that a breach thereof shall be punishable—

(a) with fine which may extend to fifty rupees, and in case of a continuing breach with the fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach, or

(b) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from the President to discontinue such breach.

Confirmation of bye-laws by local government.

354. No bye-law made by the commission under this Law shall have any validity unless and until it is sanctioned by the Resident.

Conditions precedent to making of bye-laws.

355. The power to make bye-laws under this Law is subject to the conditions—

(a) that a draft of the bye-laws is published in the Residency Orders and in at least one newspaper in circulation in the station.

(b) that the draft shall not be further proceeded with until after the expiration of a period of one month from the publication thereof or of such longer period as the commission may appoint;

(c) that for at least one month during such period a printed copy of the draft shall be kept at the municipal office for public inspection and all persons permitted to peruse the same at any reasonable time free of charge; and

(e) ~~(d)~~ that printed copies of the draft shall be sold to any person requiring them, on payment of such price, as the President may fix.

(d) "that the Commission shall, before such bye-laws are made, consider any objection or suggestion which may be received from any person with respect to the draft before the time specified in clause (b) above."

PUBLICATION OF RULES, BYE-LAWS AND REGULATIONS.

Publication of bye-laws or rules.

356. (1) When any rule or bye-law has been made under this Law, it shall be published in the Residency Orders.

(2) The President shall cause all rules and bye-laws in force to be printed, and shall cause printed copies thereof to be sold to any applicant on payment of a fixed price.

(3) The President shall from time to time advertise in one newspaper in circulation in the station that copies of rules and bye-laws are for sale and specify the place where and the person from whom and the price at which they are obtainable.

(4) The President shall publish lists of offences and fines under this Law and the rules and bye-laws made under it, and shall cause printed copies thereof to be sold to any applicant on payment of a fixed price.

Publication of regulations.

357. Regulations made under this Law shall be published in such manner as the commission may determine.

Exhibition of bye-laws, rules and regulations.

358. (1) Printed copies of bye-laws under section 351 clauses (9) (b), (c), (d) and (10), shall be affixed at the entrances to, or elsewhere in the street, park or other place affected thereby in such conspicuous manner as the President may deem best calculated to give information to the person using such place.

(2) Printed copies of other bye-laws and of the rules and regulations shall be hung up in some conspicuous part of the municipal office. The President shall also keep affixed in a like manner in places of public resort, markets, slaughter-houses and other places affected thereby copies of such portions of the rules, bye-laws and regulations as may relate to those places.

(3) No municipal officer or servant shall prevent any person from inspecting at any reasonable time copies so exhibited.

and in at least one newspaper in circulation in the Station.

(4) No person shall, without lawful authority, destroy, pull down, injure, or deface any copies exhibited as above or any board to which the copies have been affixed.

Chapter XV—Penalties.

359. (1) Whoever—

General provisions regarding penalties specified in the schedules.

(a) contravenes any provision of any of the sections or rules of this Law specified in the first column of schedule IV ; or

(b) contravenes any rule or order made under any of the said sections or rules ; or

(c) fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of the provisions of any of the said sections or rules;

shall on conviction be punished with fine which may extend to the amount mentioned in that behalf in the third column of the said schedule.

(2) whoever after having been convicted of—

(a) contravening any provision of any of the sections or rules of this Law specified in the first column of schedule V ; or

(b) contravening any rule or order made under any of the said sections or rules ; or

(c) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of any of the said sections, or rules ; continues to contravene the said provision or to neglect to comply with the said direction or requisition, as the case may be, shall on conviction be punished, for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf of the third column of the said schedule

Explanation.—The entries in the second columns of schedules IV and V headed 'Subject' are not intended as definitions of the offences described in the sections, sub-sections, clauses or rules mentioned in the first column or even as abstracts of those sections, sub-sections, clauses or rules, but are inserted merely as references to the subject of the sections, sub-sections, clauses or rules as the case may be,

Penalty for voting when pecuniarily interested and acting as commissioner when disqualified.

360. If a commissioner votes in contravention of section 27 or acts as commissioner when disqualified he shall, on conviction, be punished with fine not exceeding two hundred rupees for every such offence.

Penalty for acquisition by municipal officer of interest in contract or work.

361. If any municipal officer or servant knowingly acquires, directly or indirectly, by himself or by a partner or employee or servant, any personal share or interest in any contract or employment with, by, or on behalf of the commission, he shall be deemed to have committed the offence punishable under section 168 of the Indian Penal Code; provided that no person shall, by reason of being a share-holder in, or member of, any company, be held to be interested in any contract between such company and the commission unless he is a director of such company.

Penalty for omission to take out licence for vehicle or animal.

362. (1) Every owner or person in charge of any vehicle or animal liable to tax who omits to obtain, within fifteen days of the service of a bill on him, a licence shall, on conviction, be punished with fine not exceeding fifty rupees and shall also pay the amount of the tax payable by him in respect of such vehicle or animal.

(2) On payment of such fine and tax and of such costs as may be awarded, such owner or person shall receive a licence for the vehicle or animal in respect of which he

has been fined and for the period during which he has been found to be in default.

(3) The provisions of this section shall apply to any person who, having compounded for the payment of a certain sum fails to pay such sum and the amount due for a licence shall in such case be taken as the amount so compounded for.

Penalty for wilfully preventing distraint.

363. Any person who wilfully prevents distraint or sufficient distraint of property subject to distraint for any tax due from him, shall on conviction by a magistrate be liable to a fine not exceeding twice the amount of the tax, found to be due.

Penalty for unlawful building.

364. (1) If the construction or reconstruction of any building or well—

(a) is commenced without the permission of the President, or

(b) is carried on or completed otherwise than in accordance with the particulars on which such permission was based or

(c) is carried on or completed in contravention of any lawful order or in breach of any provision contained in this Law or in any rule or bye-law made under it, or of any direction or requisition lawfully given or made or

if any alterations or additions required by any notice issued under section 247 or section 258 are not duly made, or

If any person to whom a direction is given by the President to alter or demolish a building or well under section 259 fails to obey such direction, ~~the owner of the building or well or the said person~~ the owner of the building or well or the said person, as the case may be, shall be liable on conviction to a fine which may extend to one hundred rupees and a further fine which may extend to ten rupees for each day during which the offence is proved to have continued after the first day."

rupees, and in the case of any other building to one hundred rupees, for each day during which the offence is proved to have continued after the first day.

Notice to scavengers before discharge.

365. (1) In the absence of a written contract to the contrary, every scavenger employed by the commission shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

Penalty for withdrawal of scavengers without notice.

(2) Should any scavenger employed by the commission in the absence of a written contract authorising him so to do, and without reasonable cause, resign his employment or absent himself from his duties without giving one month's notice to the commission, or neglect or refuse to perform his duties, or any of them, he shall be liable on conviction to a fine not exceeding fifty rupees or to imprisonment of either description which may extend to two months.

Application of sub-sections (1) and (2) to other municipal servants.

(3) The Resident may by notification direct that on and from a date to be specified in the notification, the provisions of sub-sections (1) and (2) with respect to scavengers shall apply also to any other specified class of municipal servants whose functions concern the public health or safety.

Wrongful restraint of President and his delegates.

366. Every person who prevents the President or any person to whom the President has lawfully delegated his power from excercising his power of entering on any land or into any building shall be deemed to have committed an offence under section 341 of the Indian Penal Code.

PART VI.

Chapter XVI—Procedure and Miscellaneous.

LICENCES AND PERMISSIONS.

General Provisions regarding licences, registrations and permissions.

367. (1) Every licence or permission granted under this Law or any rule or bye-law made under it shall specify the period, if any, for which and the restrictions, limitations and conditions subject to which the same is granted, and shall be signed by the President.

(2) For every such licence or permission fees may be charged at such rate as may be sanctioned by the commission.

(3) Every order of the President refusing to grant a licence or permission shall state the grounds on which it proceeds.

(4) Subject to the special provisions regarding building in chapter X and private markets in chapter XII, and subject to such sanction as may be required for the refusal of a licence or permission, and to such appeal as may be provided in case of refusal, any licence or permission granted under this Law or any rule or bye-law made under it may at any time be suspended or revoked by the President, if any of its restrictions, limitations or conditions is evaded or infringed by the grantee, or if the grantee is convicted of a breach of any of the provisions of this Law or of any rule, bye-law or regulation made under it in any matter to which such licence or permission relates or if the grantee has obtained the same by mis-representation or fraud.

(5) The President may inspect places in respect of which a licence or permission is required by or under this Law, and he may enter any such place between sunrise and sunset, and also between sunset and sunrise if it is open to the public or any industry is being carried on in it at the time; and if he has reason to believe that anything is being done in any place without a licence or permission, where the same is required by or

under this Law, or otherwise than in conformity with the same, he may at any time by day or night without notice enter such place for the purpose of satisfying himself whether any provision of law, rules, bye-laws, regulations, any condition of a licence or permission or any lawful direction is being contravened and no claim shall lie against any person for any damage or inconvenience caused by the exercise of powers under this sub-section by the President or any person to whom he has lawfully delegated his powers or by the use of any force necessary for effecting an entrance under this sub-section.

(6) When any licence or permission is suspended or revoked, or when the period for which it was granted or within which application for renewal should be made has expired, whichever expires later, the grantee shall for all purposes of this Law, or any rule or bye-law made under it be deemed to be without a licence or permission until the President's order suspending or revoking the licence or permission is cancelled by him or subject to sub-section (10) until the licence or permission is renewed, as the case may be.

(7) Every grantee of any licence or permission shall, at all reasonable times, while such licence or permission remains in force, produce the same at the request of the President.

(8) Whenever any person is convicted of an offence in respect of the failure to obtain a licence or permission or registration required by the provisions of this Law, or by any rule or bye-law made under this Law, the magistrate shall in addition to any fine which may be imposed recover summarily and pay over to the commission the amount of the fee chargeable for the licence or permission or for registration.

(9) Such recovery of the fee under sub-section (8) shall not entitle the person convicted to a licence or permission or to registration as aforesaid.

(10) The acceptance by the commission of the prepayment of the fee for a licence or permission or for registration shall not entitle the person making such prepayment to the licence or permission or to registration as the case may be, but only to refund of the fee in case of refusal of the licence or permission or of registration; but an applicant for the renewal of a licence or permission or registration shall until communication of orders on his application be entitled to act as if the licence or permission or registration had been renewed; and, save as otherwise specially provided in this Law, if orders on an application for a licence or permission or for registration are not communicated to the applicant within forty-five days after the receipt of the application by the President, the application shall be deemed to have been allowed for the year or for such less period as is mentioned in the application and subject to the law, rules, bye-laws, regulations and all conditions ordinarily imposed.

APPEALS.

Appeals from orders of the President.

368. (1) An appeal shall lie to the District Judge from— (Officer holding the appointment of

(a) any notice issued or other action taken or proposed to be taken by the President,

(i) under sections 179, 186, 187, 188, 190, 247; 259 (3), 261 (1), 262 (1), 267 (1), 268, 269, 276, 285, 286, 287, 291, 292;

(ii) under any bye-law concerning house-drainage, or the connection of house-drains with municipal drains, or house-connections with municipal water-supply or lighting mains;

(b) any refusal by the President to approve a building site under section 239, to grant permission to construct or reconstruct a building under sections 240 or 253;

(c) any refusal by the President to grant a permission under sections 182, 265, 291 (2);

or (d) any refusal by the President to grant a licence under sections 285, 290, 293, 301 or 306 (2);

(e) any order of the President made under 367, sub-section (4) suspending or revoking a licence;

(f) any other order of the President that may be made appealable by rules under section 349;

Officer holding the appoitment of

(3) Nothing herein contained shall affect the provisions of section 221.

(2) The decision of the District Judge on any such appeal shall be final.

Limitation of time for appeal.

369. In any case in which no time is laid down in the foregoing provisions of this Law for the presentation of an appeal allowed thereunder, such appeal must be presented within thirty days after the date of the order or proceeding against which the appeal is made.

PRESIDENT'S POWER TO SUMMON.

Summons to attend and give evidence or produce documents.

370. The President may summon any person to attend before him and to give evidence or produce documents, as the case may be, in respect of any question relating to taxation, or inspection, or registration, or to the grant of any licence, or permission under the provisions of this Law.

PROCEDURE.

Form of notices and permissions.

371. All notices and permissions given, issued, or granted, as the case may be, under the provisions of this Law must be in writing.

Proof of consent of municipal authorities or municipal officer.

372. Whenever under this Law or any rule, bye-law or regulation made under it the doing or the omitting to do anything or the validity of any thing depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of—

(a) the commission, a standing committee, or the President or

(b) any municipal officer, a written document signed in case (a) by the President and in case (b) by the said municipal officer, purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence thereof.

Signature on documents.

373. (1) Every licence, permission, notice, bill, schedule, summons, or other document which is required by this Law or by any rule or bye-law or regulation made under it to bear the signature of the President or of any municipal officer shall be deemed to be properly signed if it bears a facsimile of the signature of the President or of such municipal officer, as the case may be, stamped thereupon.

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon the municipal fund or to any contract.

Publication of notices.

374. Every public notice given under the provisions of this Law or of any rule, or bye-law or regulation made under it shall be widely made known in the locality affected thereby—

(a) by affixing copies thereof in conspicuous public places within the said locality,

(b) by publishing the same by beat of drum or by advertisement in one or more of the newspapers in circulation in the station, or

(c) by any one or more of such means and in any other way that the President may think fit.

Publication in news-papers.

375. Whenever it is provided by this Law or by any rule or bye-law or regulation made under it that notice shall be given by advertisement in the newspapers in circulation in the station or that a notification or any information shall be published in the same, such notice, notification or information shall be inserted in at least one such English newspaper.

SERVICE OR SENDING OF NOTICES, ETC.

376. (1) When any notice or other document is required by this Law, or by any rule, bye-law, regulation or order made under it to be served on or sent to any person the service or sending thereof may be effected—

Method of serving documents.

(a) by giving or tendering the said document to such person ; or

(b) if such person is not found, by leaving such document at his last known place of abode or business or by giving or tendering the same to some adult member or servant of his family ; or

(c) if such person does not reside in the station and his address elsewhere is known to the President, by sending the same to him by post registered ; or

(d) if none of the means aforesaid be available, by affixing the same in some conspicuous part of such place of abode or business.

(2) When the person is an owner or occupier of any building or land it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or send it to, one of such owners or occupiers.

RELATION OF OCCUPIER TO OWNER.

377. If any rent, tax or sum leviable under this Law from the owner is recovered from the occupier, such occupier shall be entitled to recover the same from the owner and may deduct it from the rent then or thereafter due by him to the owner.

Recovery by occupier of sum leviable from owner.

378. (1) If the occupier of any building or land prevents the owner from carrying into effect in respect thereof any of the provisions of this Law, the President

Obstruction of owner by occupier.

may by an order require the said occupier to permit the owner, within eight days from the date of service of such order, to execute all such works as may be necessary.

(2) Such owner shall, for a period during which he is prevented as aforesaid, be exempt from any fine or penalty to which he might otherwise have become liable by reason of default.

379. If the owner of any building or land fails to execute any work which he is required to execute under the provisions of this Law or of any rule, bye-law, regulation or order made under it, the occupier of such building or land may, with the approval of the President execute such work, and shall be entitled to recover from the owner the reasonable expenses incurred in the execution thereof and may deduct the amount thereof from the rent then or thereafter due by him to the owner.

Execution of work by occupier in default of owner.

PRESIDENTS' POWERS OF ENTRY.

380. The President may enter into or on any building or land with or without assistants or workmen, in order to make any inquiry, inspection, test, examination, survey, measurement or valuation, or for the purpose of placing or removing meters, instruments, pipes or apparatus or to execute any other work which is authorised by the provisions of this Law or of any rule, bye-law, regulation or order made under it, or which it is necessary for any of the purposes of this Law or in pursuance of any of the said provisions, to make or execute:

Power of entry to inspect, survey or execute the work.

Provided that—

(a) except when it is in this Law otherwise expressly provided, no such entry shall be made between sunset and sunrise;

(b) except when it is in this Law otherwise expressly provided no dwelling

house, and no public building or hut which is used as a dwelling-place, shall be so entered without the consent of the occupier thereof, unless the said occupier has received at least twenty four hours previous notice of the intention to make such entry ;

(c) sufficient notice shall be in every case given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to withdraw to some part of the premises where their privacy may be preserved ;

(d) due regard shall be paid, so far as may be compatible with the exigencies of the purpose of the entry, to the social and religious usages of the occupants of the premises.

Power of entry on lands adjacent to works.

331. (1) The President may with or without assistants or workmen enter on any land adjoining or within fifty yards of any work authorised by this Law or by any rule, bye-law, regulation or order made under it, for the purpose of depositing on such land any soil, gravel, stone, or other materials,or of obtaining access to such work, or for any other purpose connected with the carrying on thereof.

(2) The President shall, before entering on any land under sub-section (1), give the owner and occupier three days previous notice of the intention to make such entry, and state the purpose thereof, and shall if so required by the owner or occupier, fence off so much of the land as may be required for such purpose.

(3) The President shall not be bound to make any payment, tender or deposit before entering on any land under sub-section (1) but shall do as little damage as may be and shall pay compensation to the owner or occupier of the land for such entry and for any temporary or permanent damage that may result therefrom.

(4) If such owner or occupier is dissatisfied with the amount of compensation paid to him by the President he may appeal to the officer holding the appointment of District Judge, whose decision shall be final.

PRESIDENT'S POWER TO EXECUTE IN DEFAULT.

Time for complying with order and power to enforce in default.

382. (1) Whenever by any notice, requisition, or order under this Law or under any rule, bye-law or regulation made under it, any person is required to execute any work, or to take any measures or do anything, a reasonable time shall be named in such notice, requisition or order within which the work shall be executed, the measures taken, or the thing done.

(2) If such notice, requisition or order is not complied with within the time so named, then whether or not a fine is provided for such default and whether or not the person in default is liable to punishment or has been prosecuted or sentenced to any punishment for such default, the President may cause such work to be executed, or may take any measures or do anything which may, in his opinion be necessary for giving due effect to the notice, requisition or order as aforesaid.

Recovery of expenses from persons liable and limitation on liability of occupier.

383. (1) The President may recover any expenses incurred under section 382 from the person or any one of the persons to whom the notice, requisition or order was addressed.

(2) Notwithstanding anything contained in sub-section (1), no occupier shall at any time be called upon to pay any greater sum in respect of such expenses than the amount of rent then due by him, but if the rent so due is less than the sum demanded, he shall, thereafter, as each fresh instalment of rent falls due become liable to pay a sum not exceeding the amount of such instalment until the whole of the expenses are paid.

(3) The burden of proof that the sum demanded of any such occupier is greater than the rent then or thereafter due by him shall be on the said occupier

(4) The occupier may recover from the owner or deduct from the rent payable by him to the owner so much as is paid by or recovered from him under this section.

(5) The provisions of this section shall not affect any contract made between any owner and occupier respecting the payment of expenses of any such work as aforesaid.

Power of President to agree to receive payment of expenses in instalments.

334. Instead of recovering any such expenses as aforesaid in the manner provided under section 389 the President may, if he thinks fit take an agreement from the person liable for the payment thereof, to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due, with interest thereon at the rate of nine per cent per annum, within a period of not more than five years.

Power to declare expenses on certain work improvement expenses.

385. If the expenses to be recovered have been incurred or are to be incurred in respect of any work mentioned.

(a) in section 170, 179, 220. 267 (1) & (2) 272, 276 or 308.

(b) in any rule made under this Law in which this section is made applicable to such expenses,

the President may, if he thinks fit declare such expenses to be improvement expenses.

Improvement expenses by whom payable.

386. (1) Improvement expenses shall be a charge on the premises, in respect of which or for the benefit of which the same shall have been incurred and shall be recoverable in instalments of such amounts, and in such intervals, as will suffice to discharge such expenses together with interest thereon, within such period not exceeding

twenty years as the President may in each case determine.

(2) The said instalments shall be payable by the owner or occupier of the premises on which the expenses are so charged.

Provided that when the occupier pays any such instalment he shall be entitled to deduct the amount thereof from the rent payable by him to the owner or to recover the same from the owner.

Redemption of charge for improvement expenses.

387. At any time before the expiration of the period for the payment of any improvement expenses, the owner or occupier of the premises on which the expenses, are charged may redeem such charge by paying to the President such part of the said expenses as are still payable.

Relief to agents and trustees.

388. (1) Where an agent, trustee, guardian, manager or receiver would be bound to discharge any obligation imposed by this Law, or any rule, bye-law, regulation or order made under it for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, in his hands funds belonging to the principal or beneficial owner sufficient for the purpose.

(2) The burden of proving the facts entitling any person to relief under this section shall lie on him.

(3) When any person has claimed and established his right to relief under this section, the President may give him notice to apply to the discharge of such obligation as aforesaid the first moneys which shall come to his hands on behalf or for the use of the principal or beneficial owner as the case may be; and should he fail to comply with such notice he shall be deemed to be personally liable to discharge such obligation.

~~367(1F~~. When any sum is due to the Commission from any person, under or by virtue or in pursuance of this Law or any other Law, on any account whatsoever including taxes, costs, damages, compensation, charges, expenses, contributions, rent or other charge for a building or structure leased by the Commission or other-wise in the occupation of such person under the Commission, the Commission may recover such sum in the following manner, namely:-

Recovery of sums due to the Commission.

(a) by causing a bill for the sum stating the nature of the demand, to be served on the person liable to pay the same, in the manner provided in section 354.

(b) if such person does not within fifteen days from the service of such bill pay the sum due, or show sufficient cause for non-payment, by distraining and settling the moveable property of such person in the manner provided in the Code of Civil Procedure for the time being in force in the Station;

(c) by suing such person in the Civil Court.

(2) taxes levied on buildings and lands shall, subject to the prior payment of any claim on behalf of Government, be

a first charge upon the said buildings or lands and upon the moveable property, if any, found within or upon such building or land and belong to the person liable for such tax;

(3) In the event of the non-payment of any tax imposed under Section 90, Section 91 or Section 92, within fifteen days from the date of the service of a bill in terms of clause (a) of sub-section (1), the person failing to pay such tax, shall, on conviction before a Magistrate, be liable to a fine not exceeding twice the amount of the tax found to be due

Provided that recovery by prosecution shall not be applicable to sums due on account of water consumed in excess of the sanctioned free allowance

(4) If the sum due from the owner of any house, building or land in respect of any rate or tax remains unpaid, after a bill has been duly served, the President may demand the amount from the occupier for the time being of such house, building or land, and on non-payment thereof, may recover the same by distress and sales of any moveable property found on the premises and in such case the occupier

may deduct from the next and following payments of his rent the amount which may be so paid or recovered from him;

Provided that no amount exceeding that due by the occupier to the landlord or one month's rent whichever is greater shall be so recovered at one time and that action under this sub-section shall not be repeated at intervals of less than one month in respect of any arrears.

(5) When any sum is due to the Commission on account of rent or other charges for such building or structure as is referred to in sub-section (1), the Commission may summarily evict from such building or structure the person from whom such sum is due and any other person in occupation of such building or structure along with or as the representative of the first-named person.

(6) In case of dispute

s to the amount or
apportionment of any damages,
compensation, charges or expenses
or contributions, falling within
the provisions of Section 368,
no further steps shall be taken
by the Commission if notice from
the District Judge of the Station
of an application under Section
368 ~~xxx~~ by such person is received 190
by the Commission within fifteen
days from the date of the service
of the Bill referred to in Sub-
Section (1) clause (a) above, until
the termination of the Proceedings
before the District Judge.

PAYMENT OF COMPENSATION, ETC., BY AND TO THE COMMISSION.

389. All costs, damages, compensation, charges, expenses, contributions and other sums not recoverable under the rules in part III of schedule I, which under or by virtue or in pursuance of this Law or any other law are directed to be paid by any person to the commission, shall be demanded by bill or notice as provided in the said rules and may be recovered in the manner provided in those rules unless within fifteen days from the date of the service of the bill or notice such person shall have applied to the District Judge of the station under section 390.

Recovery of sums due as taxes.

390. Where in any case not provided for in section 397 any municipal authority or any person is required by or under this Law or any rule, bye-law, or regulation made under it to pay any damages, compensation, charges or expenses, or contributions the amount or apportionment of the same shall, in case of dispute, be ascertained and determined except as is otherwise provided in section 337, section 381 and in the Land Acquisition Act, 1894 by the District Judge of the station on application made to him for this purpose at any time within one year from the date when such damages, compensation, charges or expenses or contributions first became claimable.

Determination by District Court of sums payable.

391. (1) On any application under the provisions of section 390 the said District Judge shall summon the other party to appear before him.

Proceedings before District Court.

(2) On the appearance of the parties or, in the absence of any of them on proof of due service of the summons, the said District Judge may hear and determine the case.

(3) In every such case the said judge shall determine the amount of the costs and shall direct by which of the parties the same shall be paid.

392. (1) If the sum due on account of damages, compensation, charges, expenses, contributions and the costs ascertained in the manner described in section 391 is not paid by the party liable within seven days after demand, such sum may be recovered under a warrant of the District Court by distress and sale of the movable property of such party.

Recovery of sums payable by distress.

(2) The balance, if any, of the proceeds of such sale, after satisfying the such amount and the costs of the distress and sale, shall be returned on demand, if made within twelve months, to the party whose goods have been distrained

PROVISIONS REGARDING MUNICIPAL PROSECUTIONS.

393. No prosecution for any offence against any of the provisions of this Law or any rule, bye-law, regulation or order made under it shall be instituted except on the authority of the President, or of an officer of the commission specially authorised by the commission by name or by office.

Prosecution by President.

394. (1) No person shall be liable to be tried for any offence against any of the provisions of this Law, or of any rule, bye-law, regulation or order made under it, unless complaint is made before a magistrate within six months after the commission of the offence:

Period of limitation for making complaints.

Provided that failure to take out a licence, obtain permission or secure registration under this Law shall for the purpose of sub-section (1) be deemed a continuing offence until the expiration of the period, if any, for which the licence, permission or registration is required, and if no period is specified, complaint may be made at any time within twelve months from the commencement of the offence.

395. All offences against this Law or against any rule, bye-law, regulation or order made under it, shall be cognizable by a magistrate having jurisdiction in the station; and such magistrate shall not be deemed to be incapable of taking cognizance of any such offence, or of any offence against any enactment hereby repealed, by reason only of his being liable to pay any municipal rate or other tax or of his being benefited by the municipal fund to the credit of which any fine imposed by him will be payable.

Cognizance of offences.

396. (1) In case any fine, costs or other sum of money imposed or assessed by a magistrate under this Law, or under any rule, bye-law or regulation made under it, shall not be paid, the magistrate may order the offender to be imprisoned in default of payment subject to all the restrictions, limitations and conditions imposed in section 64 to 70 (both inclusive) of the Indian Penal Code.

Imprisonment in default of payment and application of fine.

(2) Any fine or costs imposed or assessed by a magistrate by virtue of this Law shall on recovery be paid to the commission to be by them applied to the purposes of this Law.

397. If, on account of any act or omission, any person has been convicted of an offence against the provisions of this Law or against any rule, bye-law or regulation made under it, and by reason of such act or omission damage has been caused to any property of the commission the said person shall pay compensation for such damage, notwithstanding any punishment to which he may have been sentenced for the said offence. In the event of dispute the amount of compensation payable by the said person shall be determined by the magistrate before whom he was convicted of the said offence on application made to him for the purpose by the President not later than three months from the date of conviction; and

Payment of compensation for damage to municipal property.

in default of payment of the amount of compensation so determined, it shall be recovered under a warrant from the said magistrate as if it were a fine inflicted by him on the person liable therefor.

LEGAL PROCEEDINGS IN GENERAL.

Recovery of tax etc., by suit.

398. Nothing herein contained shall preclude the commission from suing in a Civil Court for the recovery of any tax, duty, toll or other amount due under this Law.

Institution of suits against municipal authorities, officers and agents.

399. (1) No suit for damages or compensation shall be instituted against the commission or any municipal authority, officer or servant, or any person acting under the direction of the same in respect of any act done in pursuance or in execution or intended execution of this Law or any rule, bye-law, regulation or order made under it or in respect of any alleged neglect or default in the execution of this Law or any rule, bye-law, regulation or order made under it until the expiration of one month after a notice has been delivered or left at the municipal office or at the place of abode of such officer, servant or person, stating the cause of action, the relief sought, and the name and the place of abode of the intending plaintiff, and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Every such suit shall be commenced within six months after the date on which the cause of action arose or in case of a continuing injury or damage during such continuance or within six months after the ceasing thereof.

(3) If any person to whom any notice is given under sub-section (1) tenders amends to the plaintiff before the suit is instituted, and if the plaintiff does not recover in any such action more than the amount so tendered he shall not recover any costs incurred after such tender and the defendant shall be entitled to costs as from the date of tender;

(4) Where the defendant in any such suit is a municipal officer or servant, payment of the sum or any part of any sum payable by him in or in consequence of the suit whether in respect of costs, charges, expenses, compensation for damages or otherwise may be made, with the sanction of the ~~standing committee~~ commission from the municipal fund.

400. The President may,

Provisions respecting institution etc., of civil and criminal actions and obtaining legal advice.

(a) take or withdraw from proceedings against any person who is charged with—

(i) any offence against this Law, the rules, bye-laws or regulations;

(ii) any offence which affects or is likely to affect any property or interest of the commission or the due administration of this Law;

(iii) committing any nuisance whatsoever;

(b) compound any offence against this Law, the rules, bye-laws or regulations which may by rules made by the Resident be declared compoundable.

(c) defend himself if sued or joined as a party in any proceeding in respect of the conduct of election or in respect of the electoral roll;

(d) defend, or compromise any appeal against an assessment or tax;

(e) take, withdraw from or compromise proceedings under sections 390 & 397 for the recovery of expenses or compensation claimed to be due to the commission;

(f) withdraw or compromise any claim for a sum not exceeding five hundred rupees against any person in respect of a penalty payable under a contract entered into with such person by the President, or with the approval of the standing committee, any such claim for any sum exceeding five hundred rupees;

(g) defend any suit or other legal proceeding brought against the commission or against any municipal authority, officer or servant, in respect of anything done or omitted to be done by them, respectively, in their official capacity

(h) with the approval of the standing committee, compromise any claim, suit or other legal proceeding brought against the commission or against any municipal authority, officer or servant, in respect of anythin done or omitted to be done as aforesaid ; where the amount to be paid under the terms of such compromise does not exceed the sum of rupees five hundred.

(j) institute and prosecute any suit o with the approval of the standing committe withdraw from or compromise any suit or claim, other than a claim of the description specified in clause (f) which has been instituted or made on behalf of the commission.

(k) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain, or as he may be desired by the commission or the standing committee to obtain, for any of the purposes mentioned in the foregoing clauses of this section or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon any municipal authority, officer or servant.

PROTECTING CLAUSES.

401. No suit shall be maintainable against any municipal authority, officer or servant or any person acting under the direction of any municipal authority, officer or servant, or of a magistrate, in respect of any thing in good faith done under this Law or any rule, bye-law regulation or order made under it.

Indemnity to municipal authorities, officers and agents.

402. (1) Every municipal authority, officer or servant and every commissioner shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the municipal commission, if such loss,

Liability of President and Commissioners for loss, waste or mis-application.

waste or misapplication is a direct consequence of his neglect or misconduct and a suit for compensation may be instituted against him by the commission with the previous sanction of the Resident or by the Secretary of State in Council.

(2) Every such suit shall be commenced within three years after the date on which the cause of action arose.

Effect of informalities.

403. (1) Any informality, clerical error, omission or other defect in any assessment made or in any distress levied or in any notice, bill, summons, warrant or other document issued under this Law or the rules or bye-laws made under it may at any time as far as possible be rectified.

(2) No such informality, clerical error, omission or other defect shall be deemed to render the assessment, distress, notice, bill, summons, warrant or other document invalid or illegal, nor to render any person executing or serving any such document a tresspasser, if the provisions of this Law, the rules and bye-laws have in substance and effect been complied with.

(3) No act of a municipal authority or of a municipal officer or servant, shall be deemed to be invalid or illegal by reason only of a defect in the constitution of the commission or in any election or appointment :

Provided always that any person who sustains any special damage by reason of any informality, clerical error, omission or other defect shall be entitled to recover compensation for the same by suit.

POLICE.

Duties of police officers.

404. It shall be the duty of every police officer—

(a) to communicate without delay to the proper municipal officer any information which he receives of the design to commit or of the commission of any offence under this Law or any rule, bye-law or regulation made under it ;

(b) to assist the President or any municipal officer or servant, or any person to whom the President has lawfully delegated powers reasonably demanding his aid for the lawful exercise of any power vesting in the President or in such municipal officer or servant or person under this Law or any such rule, bye-law or regulation ;

(c) to assist any person employed in the collection of tools in cases of resistance to the lawful authority of such person ;

and for all such purposes he shall have the same powers which he has in the exercise of his ordinary police duties.

Power of police officers to arrest persons.

405. (1) If any police officer sees any person committing an offence against any of the provisions of this Law or of any rule, bye-law or regulation made under it, he shall, if the name and address of such person are unknown to him and if the said person on demand declines to give his name and address or gives a name and address which such officer has reason to believe to be false, arrest such person.

(2) No person arrested under subsection (1) shall be detained in custody—

(a) after his true name and address are ascertained, or

(b) without the order of a magistrate for any longer time, not exceeding twenty-four hours from the hour of arrest, than is necessary for bringing him before a magistrate.

Exercise of powers of police officer by municipal servants.

406. The Resident may empower any municipal servant or any class of municipal servants to exercise the powers of a police officer for the purposes of this Law.

MISCELLANEOUS.

Application of term 'public servant' to municipal officers, agents and sub-agents.

407. Every municipal officer or servant, every contractor or agent for the collection of any municipal tax, toll, or fee and every person employed by any such contractor or

agent for the collection of such tax, toll, or fee, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Prohibition against obstruction of municipal contractor.

408. No person shall obstruct or molest any person with whom the President has entered into a contract on behalf of the commission in the performance of his duty or of anything which he is empowered or required to do by virtue or in consequence of this Law or of any rule, bye-law, regulation or order made under it.

Prohibition against removal of mark.

409. No person shall remove any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorised by this Law or by any rule, bye-law, regulation or order made under it.

Prohibition against removal or obliteration of notice.

410. No person shall, without authority in that behalf, remove, destroy, deface, or otherwise obliterate any notice exhibited by or under the orders of the commission.

Prohibition against unauthorised dealings with public place or materials.

411. No person shall, without authority in that behalf, remove earth, sand or other material or deposit any matter or make any encroachment from, in or on any land vested in the commission or water course (not being private property), or in any way obstruct the same.

TRANSITIONAL AND TRANSITORY PROVISIONS.

Passing of property and rights to commission as reconstituted.

412. All property and all interests of whatever kind owned by, vested in or held in trust by or for the commission with all rights of whatever kind used, enjoyed or possessed by the commission as constituted under the

Bangalore Municipal Law 1897, as well as all liabilities legally subsisting against the said commission shall pass to the commission as constituted under this Law.

413. All arrears of taxes or other payments by way of composition for a tax or due for expenses or compensation or otherwise due to the commission at the time this Law come into force may be recovered as though they had accrued under this Law.

Procedure for recovery of arrears of taxes etc.

SCHEDULE I.

TAXATION RULES.

(See section 138.)

PART I.

Assessment of the Property Tax.

1. The President shall prepare and maintain property-tax registers in such from and in such parts and sections as he sees fit, provided that such registers shall record the following particulars, in so far as they can be ascertained, with regard to each assessable item:—

(*a*) The serial number, description and name (if any) of the item;

(*b*) the name of the division of the street, if any, in which it is situated

(*c*) the name of the owner;

(*d*) the name of the occupier

(*e*) the annual value; and

(*f*) the amount of the tax payable.

2. (1) When the registers are complete in respect of any division or part of a division, the President shall give public notice stating where, and between what hours, such registers may be inspected.

(2) The owner, or occupier of any land or building included in such registers or the

agent of any such owner or occupier shall be permitted to inspect the said registers and to take extracts therefrom free of charge, and any other person shall be permitted to inspect the said registers and to take extracts therefrom on payment of a fee of one rupee on each occasion.

3. The President shall amend the property-tax registers by altering, adding or deleting items as circumstances may require.

4. In every case in which any building or land is assessed for the first time, the President shall give the owner or occupier special notice of the assessment.

5. In every case in which the assessment on any building or land is increased, otherwise than in consequence of the enhancement of the rate at which the property-tax is leviable, the President shall give the owner or occupier special notice stating the amount of the increase and the reasons therefor.

6. When the President makes an amendment under rule 3, it shall be deemed to have taken effect from the earliest date in the current year on which the circumstances justifying the amendment existed ; no instalment of the property-tax at the revised rate shall, however, be payable until fifteen days after the service or sending of the notice required by rule 4 or rule 5.

PART II.

Revision of Assessment.

(See section 138.)

7. Any assessee who is dissatisfied with the assessment of any tax under this Law other than the transfer duty may make an application in writing to the President for the revision of such assessment stating the grounds of his objection thereto.

8. No application for revision under rule 7 shall be admitted—

unless the application has reached the municipal office—

(i) in the case of the property-tax, within fifteen days from the publication of the public notice referred to in rule 2 or from the receipt of the special notice referred to in ~~para~~ 4 or rule 5, and in the case of companies' and profession taxes, within fifteen days from the date of service of the notice prescribed by section 108, and

(ii) in the case of any other tax, within seven days from the date of demand.

Explanation—The preferring or pendency of an application for revision shall not

(*a*) bar the collection, or

(*b*) operate as a stay of proceedings to enforce the payment,

of the assessment prevailing prior to the proposed enhancement or of any tax levied for the first time.

9. Where on an application for revision of assessment the applicant is dissatisfied with the order proposed to be made by the President thereon, the application shall be heard and decided by the standing committee copy of whose decision shall be sent to the applicant by the commissioner within two days thereof.

10. (*a*) An appeal shall lie to the Court of the District Judge Civil and Military Station, Bangalore against any decision of the standing committee under rule 9 but no such appeal shall be heard by the said court, unless—

(i) a notice of intention to appeal has been given to the President within ten days from the date of the decision, and

(ii) the petition of appeal has been presented within fourteen days from the date of the decision and the tax has been paid within the said period.

Explanation—In the case of a tax leviable by half-yearly instalment the requirements of clause (ii) as to payment of the

tax shall be deemed to have been satisfied if the half-yearly instalment due under the order appealed against has been paid.

(*b*) The court may for sufficient cause excuse delay in the presentation of an appeal.

(*c*) The notice of intention to appeal shall state the name, occupation and residence of the appellant or of his attorney or vakil (if any) and the grounds of appeal.

(*d*) The appellant shall not, except with the leave of the court, urge or be heard in support of any ground of objection which has not been set forth in his notice of intention to appeal.

11. The court may direct who shall bear the costs of an appeal under the above rule.

12. The District Judge may, if he thinks fit, state a case on any appeal for the decision of the Resident and shall do so whenever a question of law is involved, if either the President or the appellant applies in writing in that behalf within fifteen days from the decision of the District Court and deposit such sum as the District Court thinks necessary to defray the cost of the reference.

13. (*a*) The Resident may pass such order as he thinks fit on a reference under rule 12.

(*b*) Upon production of a copy of the order passed under clause (*a*) the District Judge shall proceed to dispose of the case in conformity with the terms of the order, and may direct who shall bear the costs of the appeal and reference.

(*c*) In the event of the amount of any tax being reduced or remitted, the President shall grant a refund accordingly.

14. Subject to the result of any application, appeal or reference made as hereinbefore provided, the assessment of any tax shall be final.

PART III.

Collection of Rent and Taxes.

(See section 138.)

15. In the case of every assessment to any tax, or claim to any rent or other charge the President shall cause a bill to be served on or sent to the person liable for the tax:

Provided that in the case of the companies' and profession tax the notice given under section 108 of the Act shall be deemed sufficient.

16. Such bill shall contain—

(*a*) particulars of the demand;

(*b*) notice of the liability incurred in default of payment; and

(*c*) notice of the time within which any application for revision may be preferred.

17. If within fifteen days from the serving or sending of such bill the tax or rent or other charge is not paid, and the omission to pay is not accounted for to the satisfaction of the President, the tax or rent or other charge together with all costs, may be levied under a warrant issued by the President—

(i) by distress and sale of the movable property of the defaulter, or

(ii) if the defaulter is the occupier of any building or land in respect of which a tax or rent or other charge is due, by distress and sale of any movable property which may be found in or on such building or land:

Provided always no movable property that is not liable to attachment and sale under section 60 of the Code of Civil Procedure, 1908, shall be liable to distraint.

18. Under a special order in writing of the President any officer charged with the execution of a warrant of distress may, between sunrise and sunset, break open any

outer or inner door or window of a building in order to make the distress, if he has reasonable ground for believing that such building contains property which is liable to seizure, and if, after notifying his authority and purpose, and duly demanding admittance, he cannot otherwise obtain admittance:

Provided that such officer shall not enter or break open the door of any apartment appropriated to women until he has given three hours' notice of his intention and has given such women an opportunity to withdraw.

19. The officer charged with the execution of a warrant of distress shall make an inventory of the property seized and shall at the same time give notice of sale to the person in possession of the said property at the time of seizure.

20. The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible proportionate in value to the sum due by the defaulter, together with all expenses incidental to the warrant, distraint, detention and sale.

21. (*a*) If the amount due under the warrant together with the incidental expenses aforesaid is not paid within the time mentioned in the notice of sale, the property seized or a sufficient portion thereof may be sold by public auction under the orders of the President who shall apply the proceeds, or such part thereof as may be necessary, in payment of the sum due, including all expenses as aforesaid.

(*b*) If the property seized is perishable, or if the expense of keeping it will, together with the amount of the tax or rent or other charge due, exceed the value of the property, the President shall forthwith sell the property after giving notice of sale to the person in possession at the time of seizure.

(*c*) The surplus, if any, shall be paid to the person in possession of the property distrained at the time of its seizure if application is made within twelve months from

the date of sale ; if no such application is made, the surplus shall be forfeited to the commission.

(*d*) Neither the President nor any municipal officer or servant shall directly or indirectly purchase any property at any such sale.

22. (*a*) Fees shall be levied on distraints under this law with reference to the value of the property distrained and according to the rates specified in the following table :—

Value of property.	Amount of fee. Rs.	A.	P.
Under ten rupees ...	0	4	0
Ten and under twenty-five rupees ...	0	12	0
Twenty-five and under fifty rupees ...	2	0	0
Fifty and under one hundred rupees...	4	0	0
One hundred rupees and upwards ...	6	0	0

(*b*) Fees levied under this rule are not intended to cover the cost of maintaining any livestock distrained.

23. (*a*) The movable property of a defaulter may be distrained wherever it may be found within the Station.

(*b*) Subject to the modifications set out in the following clauses, the provisions of rules 18 to 22 (both inclusive) shall apply to the execution of the warrant and the disposal of the sale-proceeds.

(*c*) For the purpose of action under rule 18 no special order in writing of the President shall be required, but if the public servant to whom the warrant is addressed charges any subordinate with the execution thereof, he shall furnish such subordinate with a special order in writing to that effect, and such subordinate shall then have authority to take action under the rule.

(*d*) For the purpose of action under rule 21 the public servant to whom the warrant is addressed may, without further orders from the President, sell or direct the sale of the property seized, and shall on completion of the sale transmit the proceeds

to the President subject to such deduction, if any, as may be necessary to meet expenses incurred locally.

(*e*) It shall be unlawful for such public servant himself or for any person subordinate to him to purchase directly or indirectly any property at any such sale.

24. If the property tax due in respect of any building or land remains unpaid after a bill has been duly sent to or served on the owner thereof, the President may demand such sum from the occupier of the said building or land, and, in default of payment thereof, may recover it from him in the manner provided in rule 17 :

Provided that no arrears due from the owner for more than one year shall be so recovered from the occupier.

25. When any such sum is due to the commission on account of rent or other charge for a building or structure leased by the commission to such person or otherwise in the occupation of such person under the commission, the commission may summarily evict from such building or structure the person from whom such sum is due and any other person in occupation of such building or structure along with or as the representative of or as holding under the first named person.

PART IV.

Miscellaneous.

(*See section 138.*)

26. The President shall keep separate accounts of all moneys received and expended for any purpose connected with the water tax.

27. For the purposes of Parts II and III of these rules the expression 'tax' includes payments due by way of composition for a tax.

SCHEDULE II.

FINANCIAL RULES.

PART I.

Authorized Expenditure.

1. The objects on which the municipal fund may be spent include those expressly declared obligatory by laws or rules, those which laws or rules expressly give the commission a discretion to undertake, and, in general, all matters necessary for, or conducive to the safety, health, convenience or education of the citizens of the Station or the amenities of the Station and all matters incidental to the administration.

2. The objects of expenditure connected with the public safety include the following:—

(*a*) Lighting of public streets and the provision, purchase, exploitation and maintenance of gas, electric or other undertakings for lighting public and private streets, places and buildings;

(*b*) Extinction of fires;

(*c*) Control, supervision or removal of dangerous places, buildings, trades and practices;

(*d*) Regulation of traffic;

(*e*) Prevention and removal of obstructions in streets or public places.

3. The objects of expenditure connected with the public health include the following:—

(*a*) The construction, and maintenance of hospitals and dispensaries and temporary places of reception for the treatment of infectious diseases occurring in the station; building hospitals and dispensaries and places of reception for the sick in general; contributing towards hospitals, dispensaries or places of reception provided by the Local Government; contracting for the use of a hospital or part of a hospital, dispensary, or place of reception; combining with any other local authority or with the Local Govern-

ment to provide a common hospital, dispensary or place of reception ; sending indigent inhabitants of the Station to institutions outside the station for treatment ; the training of health officers, medical subordinates, sanitary inspectors and analysts ; the training of nurses and the provision of nurses for attendance on patients suffering from infectious diseases at the houses of such persons ; vaccination and the training and supervision of vaccinators and the provision of lymph ; the registration of births, deaths and marriages ; the enumeration of the inhabitants of the Station ; and other measures of a like nature ;

(*b*) The construction, establishment, maintenance, supervision and control of public markets and slaughter-houses ; of latrines ; of drains and drainage works ; of sewage farms ; of tramways and other works for the removal of sewage ; of water-works, drinking fountains, tanks and wells ; of wash-houses or dhobikhanas ; of parks, squares and gardens ; the reclamation of unhealthy localities ; and other sanitary measures of a like nature ;

(*c*) The cleansing and watering of streets and drains ; scavenging ; the removal of excessive or noxious vegetation ; the abatement of all nuisances ;

(*d*) The regulation and control of offensive or dangerous trades, of unhealthy buildings or localities, and of burial and burning grounds and crematoria ; and the provision of sites for and the closing of burial and burning grounds ; the provision of new sites for offensive and dangerous trades and of special locations for factories ; the acquisition of congested areas and the provision of new sites to relieve congestion or to provide for the growth of population ; improvement and reclamation of land, planning, surveying and control of town extensions, whether within or without the municipal limits, redistribution of sites in such extensions, and all measures of a like nature.

4. The objects of expenditure connected with the public convenience, amenities and education include:—

(*a*) The construction, maintenance, diversion and improvement of streets, bridges, causeways, culverts and the like; the regulation of building; the construction of model dwellings; the removal of projections and encroachments; the naming of streets; the numbering of houses; the planting and preservation of trees in public streets and places; the maintenance of public monuments;

(*b*) The construction, maintenance, alteration and adornment of public halls and theatres, the acquisition and maintenance of recreation grounds, playing-fields and promenades;

(*c*) Subject to all provisions of law the construction, maintenance, purchase or exploitation of tramways and other transport services, railways not included, of telephone systems, grass farms, dairies, public bakeries and other industrial concerns of public utility, whether within or without the municipal limits, and whether or not in combination with other authorities or persons, and subscription to debenture loans of any such concern;

(*d*) The employment of veterinary officers, the prevention of diseases of animals, the provision of places for the treatment of of sick animals, and the preventions of cruelty to animals;

(*e*) The provision and maintenance of zoological and horticultural gardens;

(*f*) The provision and maintenance of public libraries and reading-rooms, museums, art galleries, gymnasia or any other institutions connected with the diffusion of mental or physical culture;

(*g*) The provision and maintenance of public baths and bathing places;

(*h*) The provision of music for the people;

(*i*) The provision and maintenance of public clocks and clock-towers or of a time gun;

(*j*) The construction and maintenance of school houses;

(*k*) Primary education;

(*l*) Technical and industrial education;

(*m*) The training of teachers;

(*n*) The provision of standard weights, scales and measures, and of public weighing places;

(*o*) The holding of exhibitions or fairs;

(*p*) The provision and maintenance of rest houses, choultries, alms houses, poor houses, pounds and other works of public utility;

(*q*) The organization and maintenance of health associations;

(*r*) The organization and maintenance of associations for the prevention of juvenile smoking and cruelty to children.

5. The objects of expenditure incidental to the administration include—

(*a*) The provision and maintenance of a principal municipal office and record room and of other offices with the cost of appurtenances and fittings and insurance;

(*b*) Salaries, allowances, liveries, pensionary and provident fund contributions, gratuities and pensions, and the cost or hire of vehicles for the President and the municipal officers and servants; study leave allowances of professional officers and subordinates; sending municipal servants to any hospital or institute for treatment; the purchase of provisions and other necessaries for sale to municipal subordinates.

Explanation.—'Salary' for the purpose of this rule shall include the privilege, if any, granted by the commission of receiving payments in kind in lieu of the whole or a portion of the salary by purchasing articles from the commission at such prices as the commission may fix from time to time.

(*c*) Stationery, printing and all office and advertising expenses including the cost of reporting the discussions of the commission;

(*d*) Legal expenses;

(*e*) The expenses of conducting elections;

(*f*) Auditors' fees;

(*g*) The provision and maintenance of municipal workshop;

(*h*) Municipal surveys, the preparation of maps of the city and of proposed extensions;

(*i*) The preparation and maintenance of a record of rights in immovable property;

(*j*) The acquisition of land for all or any of the purposes of the Law.

6. With the previous sanction of the Governor-General in Council the council may—

(*a*) upon any public street or upon any land which is vested in the commission, construct or maintain any railway which may appear to the council to be useful or necessary for the removal of rubbish and offensive matter or for any of the other purposes of this Law,

(*b*) use and employ upon any such railway locomotive engines or other motive power and carriages and wagons to be drawn or propelled thereby,

(*c*) carry and convey passengers and goods upon any such railway,

(*d*) make such reasonable charges in respect of such passengers or goods as the council may from time to time determine,

(*e*) from time to time enter into any contract with any person for the construction, maintenance and working of any such railway,

(*f*) from time to time enter into any contract with any person for the passage over any such railway of locomotive engines or other motive power, carriages and wagons belonging to, or controlled by such person upon the payment of such tolls or rent, and under such conditions and restrictions, as may be mutually agreed upon, and

(*g*) lease any such railway to any person upon such terms and under such conditions and restrictions as may be mutually agreed upon.

Explanation.—The term 'railways' in this rule does not include 'tramways.

7. If the expenditure incurred by any other local authority for any purpose described in these rules is such as to benefit the inhabitants of the station the President may, with the sanction of the commission, contribute towards such expenditure.

8. The President may, with the sanction of the commission, contribute towards the expenses of any public exhibition, ceremony or entertainment in the station.

9. The President may, with the sanction of the commission, defray the cost of the preparation and presentation of addresses to persons of distinction.

10. The President may, with the sanction of the commission and of the Resident, contribute to any fund for the defence of the station, India or the Empire, to any charitable fund, or to the funds of any institution for the relief of the poor or the treatment of disease or infirmity or the reception of the diseased or infirm persons or the investigation of the causes of disease or incur any other extraordinary charges.

11. "The President may write off such sums due to the Commission as appear to be irrecoverable provided that, if the sum to be written off exceeds fifty rupees, the sanction of the Commission shall be obtained.

PART II.

Receipts and Payments.

11. All moneys received by the commission shall be lodged in the Imperial Bank of India or, with the sanction of the Resident, in any other bank, and shall be credited to an account entitled the "Municipal Fund Account" and may, with a like sanction, be invested in any one of the securities specified in section 20 of the Indian Trusts Act, 1882.

12. All orders or cheque against the municipal fund shall be signed by the President or in his absence by the Vice-President, and the bank in which the fund is lodged shall, so far as the funds to the credit of the

commission admit, pay all orders or cheques against the fund which are so signed.

13. The payment of any sum out of the municipal fund may be made or authorized by the President if such sum is covered by a budget-grant and a sufficient balance of such budget-grant is available.

14. The payment of any sum out of the municipal fund may be made or authorized by the President in the absence of budget provision in the case of—

(*a*) refunds of taxes and other moneys authorized by law, rule, bye-law or regulation;

(*b*) repayments of moneys belonging to contractors or other persons and held in deposit and of moneys collected or credited to the municipal fund by mistake;

(*c*) costs incurred by the President in the exercise of his powers under section 14 of the Law;

(*d*) sums payable under section 37, sub-section (1) clause (c), and section 156, sub-section (2) of the Law.

(*e*) sums payable under a decree or order of a civil court passed against the commission or under a compromise of any suit or legal proceeding or claim;

(*f*) any sum which the President is required by law, rule, bye-law or regulation to pay by way of compensation or expenses;

(*g*) the salary payable to a special health officer appointed by the Resident under Sec. 82 of the Law.

(*h*) expenses incurred by the President under Sec. 336, sub-section (3), and expenses lawfully incurred in anticipation of recoupment from a person liable under any provision of law:

Provided that the President shall forthwith communicate the circumstances to the standing committee which shall take any action that may in the circumstances be necessary or expedient to cover any expenditure not covered by a budget-grant.

15. The President shall not overdraw.

PART III.

Audit, Surcharge and Disallowance.

16. The auditors appointed under section 140 shall maintain and keep a continuous audit of the municipal accounts.

17. The President shall submit all accounts to the auditors as required by them.

18. The auditors may—

(*a*) by summons in writing require the production of any document, the perusal or examination of which they believe necessary for the elucidation of the accounts;

(*b*) by summons in writing require any person having the custody or control of any such document or accountable for it to appear in person before them

(*c*) require any person so appearing to make and sign a declaration with respect to such document or to answer any question or to prepare and furnish any statement relating thereto.

19. The auditors shall—

(*a*) report to the standing committee any material impropriety or irregularity which they may observe in the expenditure, or in the recovery of moneys due to the commission or in the municipal accounts;

(*b*) furnish to the standing committee such information as the said committee may require concerning the progress of their audit;

(c) report to the standing committee any loss or waste of money or other property owned by or vested in the council caused by neglect or misconduct, with the names of persons, directly or indirectly responsible, for such loss or waste; and

(*d*) submit to the standing committee a final statement of the audit and a duplicate copy thereof to the Resident within a period of three months from the end of the finan

cial year, or within such other period as the Resident may notify.

20. The standing committee shall forthwith remedy any defects or irregularities that may be pointed out by the auditors and report the same to the commission.

21. (1) The auditors shall report every item contrary to law to the President who may disallow such item and surcharge the same on the person making or authorizing the illegal payment; and who may charge against any person responsible therefor, the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person and shall, in every such case, certify the amount due from such person.

(2) The President shall state in writing the reasons for their decision in respect of every disallowance, surcharge or charge and furnish a copy thereof to the person against whom it is made.

22. Any person aggrieved by disallowance, surcharge or charge made may, within fourteen days after he has received or been served with the decision of the President, apply to the Resident who may set aside such disallowance, surcharge or charge after taking such evidence as is necessary and who may confirm, modify or remit such disallowance, surcharge or charge with such orders as to costs as he may think proper in the circumstances.

23. Every sum certified to be as due from any person shall be paid by such person to the President within fourteen days after the intimation to him of the decision unless within that time such person has appealed to the Resident against the decision; and such sum if not so paid, or such sum as the Resident shall declare to be due shall be recoverable by execution through the District Court as if it were a decree transferred to that Court for execution under the Code of Civil Procedure.

24. The commission shall pay to the auditors out of the municipal fund such remuneration as the Resident may determine.

PART IV.

Form of Accounts.

17. **25.** The commission may make regulations, subject to the approval of the Resident to provide for—

(*a*) the form in which the budget estimates, budget statements and returns of the commission shall be kept; and

(*b*) the form in which the accounts of the commission shall be kept.

SCHEDULE III.

Purposes for which premises may not under Section 290 be used without a License.

(*See section 290.*)

Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever—

ammunition,	bones,	oil-cloth,
chemical preparations,	camphor,	pitch,
chlorate-mixture,	catgut,	rags,
fire-works,	cotton, cotton refuse, cotton seed,	skins,
fulminate of mercury,	fat,	tallow,
gas,	fins,	tar,
gun-cotton,	fish,	turpentine,
gun-powder,	hair,	wool,
lime,	hides,	cocoanut fibre,
matches,	hoofs,	flax,
nitro-compound,	horns,	hemp,
nitro-glycerine,	leather,	jute,
nitro-mixture,	lime shells,	rosin,
saltpetre,	manure,	spirits,
sulphur,	meat,	surkhi,
blood,	offal,	
	oil,	

Packing, pressing, cleansing, preparing or manufacturing by any process whatever—

pottery, candles, cement, dyes, soap, sugar, sugarcandy, flour, silk, paper.

Manufacturing articles from which offensive or unwholesome smells, fumes, or dust arise.

Boiling camphor, paddy or oil.

Breaking and hammering iron and manufacturing articles out of iron.

Beating metals.

Casting metals ; gilding, electro-plating.

Dyeing cloths.

Washing soiled clothes and keeping soiled cloths for the purpose of washing them and keeping washed clothes.

Manufacturing carpets.

Manufacturing bricks and tiles.

Manufacturing condiments.

Manufacturing or distilling sago.

Baking or preparing bread, biscuits or confectionery (for other than domestic use).

Manufacturing ice.

Manufacturing ærated waters.

Storing and packing onions and garlic :

Provided that no license shall be required for the storage only of any of the articles mentioned in this schedule in such limited quantities as may from time to time be fixed by the President.

SCHEDULE IV.

Ordinary Penalties.

[*See Section 359 (1).*]

1			3
Section or rule.	Sub-section or clause.	SUBJECT.	Fine which may be imposed.
100	(1) & (3)	Failure to give notice of transfer of title or to produce documents ...	Fifty rupees
101	...	Failure to send notice to commissioner after completion of construction or reconstruction of building.	Fifty rupees
103	(1)	Failure of owner or occupier to furnish return of rent, etc. ...	One hundred rupees
109	...	Failure of owner or occupier to furnish list of persons liable to tax.	One hundred rupees
110	...	Failure of employer or his representative to furnish list of persons liable to tax.	One hundred rupees
115	...	Failure of occupier to obey requisition to furnish statement of vehicles and animals liable to taxation or furnishing incorrect statement, etc.	Ten rupees
117	(1)	Failure to obey order to affix and register number of carriage ...	Ten rupees
119	(1)	Failure of owner to register cart	Ten rupees
,,	(3)	Failure to have or keep registration number affixed to cart ...	Ten rupees
124	(2)	Importation of timber into the city without payment of the tax due thereon.	One hundred rupees
133	...	Attempt to evade payment of toll	Fifty rupees
168	...	Trespassing on premises connected with water-supply	Fifty rupees
170	...	Failure to maintain house-connexions in conformity with bye-laws and regulations.	Fifty rupees
171	(2)	Failure to obey requisition to make house connexion	Fifty rupees
,,	(3)	Occupying or allowing occupation of house without proper water-supply.	Fifty rupees
178	...	Failure to maintain house-drains, etc., in conformity with bye-laws and regulations.	Fifty rupees
179	(2) & (3)	Failure to obey requisition as to house drainage	Fifty rupees
,,	(4)	Occupying or allowing occupation of house without proper drainage.	Two hundred rupees
181	1 (*b*)	Failure to obey direction as to limited use of drain or notice requiring construction of distinct drain.	Fifty rupees
182	...	Unlawful construction of building over public drain	One hundred rupees
183	...	Failure to obey requisition regarding culverts or to keep them free from obstruction.	Fifty rupees
184	...	Failure to obey requisition to maintain troughs and pipes for catching, etc., water from roof or other part of building.	Fifty rupees
186	...	Failure to obey requisition to provide latrine or to remove latrine to another site and failure to keep latrines clean and in proper order.	Fifty rupees
187	...	Failure to provide latrines for premises used by large numbers of people or to keep them clean and in proper order.	One hundred rupees
188	...	Failure to obey requisition to provide latrines for market, cattle-stand or cart-stand, or to keep them clean and in proper order.	One hundred rupees
189	...	Failure to construct latrines so as to screen persons using them from view.	Twenty rupees
191	...	Making connexion with mains without permission	Two hundred rupees
195	(1)	Failure of occupier to obey direction to collect rubbish and filth and deposit them in a box or basket or other receptacle of his own at or near premises.	Ten rupees
,,	(2)	Failure to obey direction to collect rubbish and filth accumulating in latrine and to deposit in municipal carts.	Ten rupees

SCHEDULE IV—(*contd.*)

1		2	3
Section or rule.	Sub-section or clause.	SUBJECT.	Fine which may be imposed.
195	(3)	Failure to obey direction to collect rubbish and filth and deposit them in public receptacle.	Ten rupees
196	(*a*)	Failure to obey direction to collect and remove rubbish and filth accumulating on business premises.	Ten rupees
204	(1)	Allowing rubbish or filth to accumulate on premises for more than twenty-four hours.	Twenty rupees
"	(2)	Irregular deposit of rubbish or filth	Ten rupees
"	(3)	Irregular removal of rubbish or filth	Twenty rupees
"	(4)	Deposit of rubbish or filth in unauthorized place	Twenty rupees
"	(5)	Keeping rubbish or filth for more than twenty-four hours, etc. ...	Ten rupees
"	(6)	Allowing filth to flow in streets	Twenty rupees
211	...	Building within street alignment or building line without permission.	One thousand rupees
216	...	Unlawful displacement, etc., of payment or fences, posts, and other materials of public street.	Fifty rupees
218	...	Unlawful making or laying of new street	Five hundred rupees
220	...	Failure to obey requisition to metal, etc., private street	One hundred rupees
222	...	Building wall or erecting fence, etc., in a street	One hundred rupees
223	...	Allowing doors, ground-floor windows, etc., to open outwards without license or contrary to notice.	Twenty rupees
224	...	Failure to remove permanent encroachment	Two hundred rupees
225	...	Failure to remove temporary encroachments	Fifty rupees
227	...	Unlawful removal of bar, or storing of timber, etc., or removal or extinction of light.	Fifty rupees
228	(1)	Unlawful making of hole or placing of obstruction in street ...	Fifty rupees
"	(3)	Failure to remove obstruction	Fifty rupees
229	...	Construction, etc., of building without license where street or footway is likely to be obstructed.	Fifty rupees
"	...	Failure to fence, etc., such building while under repair ...	Fifty rupees
230	(3)	Unlawful destruction, etc., of name of street	Twenty rupees
231	(2)	Unlawful destruction, etc., of number of building	Twenty rupees
"	(3)	Failure to replace number when required to do so	Twenty rupees
235	...	Construction of external roof, etc., with inflammable materials ...	Fifty rupees
257	...	Failure to keep external walls of premises in proper repair ...	Twenty rupees
261	...	Failure to obey requisition to take down, repair or secure dangerous structure.	Five hundred rupees
262	...	Failure to obey requisition to secure, lop, or cut down dangerous tree	Fifty rupees
263	...	Failure to obey requisition to repair, etc., tank or other place dangerous to passers-by or persons living in neighbourhood	Fifty rupees
264	...	Failure to obey notice regarding precautions against fire ...	One hundred rupees
265	(1)	Constructing well, etc., without permission	Fifty rupees
266	(3)	Failure to obey notice to fill up or demolish well, etc.	Fifty rupees
"	...	Failure to obey requisition to stop dangerous quarrying	One hundred rupees
267	...	Failure to obey requisition to fill up, etc., tank or well, or drain off water, etc.	Fifty rupees
268	...	Failure to obey requisition to cleanse or close, etc., tank, well or other source of water used for drinking	Fifty rupees

SCHEDULE IV—(*contd.*)

1		2	3
Section or rule.	Sub-section or clause.	SUBJECT.	Fine which may be imposed.
270	...	Unlawful washing and fishing in river, or estuary after prohibition or contrary to regulations.	Twenty rupees
271	(*a*)	Unlawful bathing in certain places	Fifty rupees
,,	(*b*)	Unlawful washing of animals, etc., in certain places	Fifty rupees
,,	(*c*)	Unlawful throwing of animal, etc., into the water in certain places...	Fifty rupees
,,	(*d*)	Fouling of water in certain places	Fifty rupees
272	...	Failure to obey requisition to enclose, clear or cleanse untenanted premises	Fifty rupees
273	...	Failure to obey requisition to clear or cleanse, etc., building or land in filthy state or overgrown with prickly-pear or other noxious vegetation.	Fifty rupees
274	...	Failure to obey requisition to fence building or land or trim, prune or cut hedges and trees or lower an enclosing wall.	Fifty rupees
275	...	Failure to obey requisition to lime wash or otherwise clense building	Fifty rupees
276	...	Failure to obey requisition to execute work or take other action with respect to insanitary buildings.	One hundred rupees in the case of masonry building and fifty rupees in the case of hut
277	(2)	Using or allowing the use of buildings unfit for human habitation after prohibition.	Twenty rupees for each day
,,	(4)	Failure to obey requisition to demolish the same ...	Twenty rupees for each day
278	(1)	Allowing overcrowding in building after order to abate the same ...	Twenty rupees for each day
,,	(4)	Failure to obey requisition to vacate overcrowded building or room.	Twenty rupees for each day
283	(*a*)	Unlawful keeping of pigs	Twenty rupees
,,	(*b*)	Unlawful keeping of animal so as to be a nuisance or dangerous ...	Twenty rupees
,,	(*c*)	Feeding of animals on filth	Twenty rupees
285	...	Use of place as stable, cattle-stand, etc., without license or contrary to license.	Fifty rupees
287	...	Construction maintenance of stable, cattle-shed, etc., contrary to Act or subsidiary legislation.	Fifty rupees
289	...	Failure to remove carcass of animal	Twenty rupees
290	(3)	Use of place without license or contrary to license	Two hundred rupees
291	(1) & (2)	Unlawful erection of steam-boiler or machinery	One thousand rupees
,,	(3)	Disobedience of order regarding chimneys	Five hundred rupees
292	(*a*)	Disobedience of order regarding hours of work	One hundred rupees
,,	(*b*)	Using rice-husk, etc., for fuel after prohibition	One hundred rupees
,,	(c)	Using steam-whistle, etc., after prohibition	Fifty rupees
293	...	Use of place for sale or storage of timber, firewood, or other combustible without license or contrary to license	One hundred rupees
296	(2)	Washing of clothes by washermen at unauthorised places ...	Twenty rupees
299	...	Slaughter of animals for sale or food or skinning or cutting up carcasses without license or contrary to license or drying skin so as to cause a nuisance.	Twenty rupees for each every animal, carcass or skin
301	...	Carrying on milk trade without license or contrary to license ...	Fifty rupees

SCHEDULE IV—(*contd.*)

1		2	3
Section or rule.	Sub-section or clause.	SUBJECT.	Fine which may be imposed.
304	...	Sale or exposure for sale in public market of animal or article of food without license or contrary to license.	Fifty rupees
305	(2)	Opening private market without license or contrary to license ...	Five hundred rupees
306	...	Keeping open private market without license or contrary to license.	Five hundred rupees
307	...	Sale or exposure for sale of animal or article in unlicensed private market.	Fifty rupees
308	...	Failure to obey direction to construct approaches, drains, etc., to private markets or to pave them, etc.	Fifty rupees
309	(2)	Opening or keeping open of private market after suspension or refusal of license for default to carry out works.	Fifty rupees for each day
310	...	Breach of market regulations	Fifty rupees
311	...	Carrying on butcher's, fishmonger's or poulterer's trade without license, etc.	One hundred rupees
312	...	Sale of article in public streets after prohibition or contrary to regulations.	Twenty rupees
315	...	Preventing the President or any person authorized by him from exercising his powers of entry, etc , under section 314.	Fifty rupees
317	...	Removing or in any way interfering with an animal or article secured under section 316.	Five hundred rupees
323	(4)	Use or allowance of use of unlicensed burial or burning ground ...	Five hundred rupees
"	(4)	Use or allowance of use of unregistered burial or burning ground ...	One hundred rupees
324	...	Failure to give information of burials or burnings in burial or burning ground.	Twenty rupees
325	...	Construction of vault or grave or burial of corpse in place of public worship.	Five hundred rupees
326	(3)	Burial or burning in place after prohibition	Two hundred rupees
327	...	Burial or burning in place contrary to Act or bye-laws	Fifty rupees
328	...	Discharge of office of grave digger or attendant at place for disposal of dead without license.	Twenty rupees
331	...	Failure of medical practitioner or owner or occupier to give information of existence of dangerous disease in private or public dwelling.	Fifty rupees
336	...	Failure to obey requisition to cleanse or disinfect building or article	Fifty rupees
338	(2)	Washing of infected articles at unauthorized places	Fifty rupees
339	...	Giving, lending, etc., of infected articles	Fifty rupees
342	(1)	Entry of infected person into public conveyance without notifying fact of infection.	Fifty rupees
341	(1)	Failure to disinfect public conveyance, etc.	Fifty rupees.
"	(2)	Using before obtaining certificate from health officer a public conveyance in which an infected person travelled.	Fifty rupees
342	...	Letting or subletting of infected building without certificate from the health officer.	Two hundred rupees
343	...	Failure to close place of public entertainment	Two hundred rupees
344	...	Sending infected child to school	Fifty rupees
345	...	Use or permitting use of book from public or circulating library by infected person.	Fifty rupees
347	...	Failure to give information of small-pox	Fifty rupees
348	...	Entering city within forty days of inoculation for small-pox without certificate.	One hundred rupees
358	(3)	Prevention of inspection of copies of rules, and byelaws publicly exhibited.	Fifty rupees

SCHEDULE IV—(*concld.*)

1		2	3
Section or rule.	Sub-section or clause.	SUBJECT.	Fine which may be imposed.
358	(4)	Destruction, etc., of board exhibiting printed copies of bye-laws and rules.	Fifty rupees
367	(7)	Failure to produce licence on request	Ten rupees
369	...	Failure to obey requisition to attend, produce document or give evidence.	One hundred rupees
378	(1)	Failure of occupier to obey requisition to permit owner to comply with provisions of Law.	Fifty rupees for each day
408	...	Obstructing or molesting municipal contractors, etc.	Two hundred rupees
409	...	Removing mark set up for indicating level, etc.	Two hundred rupees
410	...	Removal, etc., of notice exhibited by or under orders of the commission.	Fifty rupees
411	...	Unlawful removal of earth, sand or other material from land vested in the commission or deposit of matter or encroachment in or on river, estuary, etc.	Fifty rupees
he-ule I; ule 8.	...	Failure to obey requisition by auditors to attend, give evidence or produce document.	One hundred rupees

SCHEDULE V.

Penalties for continuing breaches.

[*See section 359* (2).]

1		2	3
ec-ion or ule.	Sub-section or clause.	SUBJECT.	Daily fine which may be imposed.
170	...	Failure to maintain house connexions in conformity with bye-laws and regulations.	Five rupees
171	(2)	Failure to obey requisition to make house-connexion	Five rupees
178	...	Failure to maintain house-drains, etc., in conformity with bye-laws and regulations.	Ten rupees
,,	(2) & (3)	Failure to obey requisition as to house-drainage	Ten rupees
179	(4)	Occupying or allowing occupation of house without proper drainage	Twenty rupees
184	...	Failure to obey requisition to maintain troughs and pipes for catching, etc., water from roof or other part of building.	Ten rupees
186	...	Failure to obey requisition to provide latrine or to remove latrine to another site and failure to keep latrines clean and in proper order.	Ten rupees
187	...	Failure to provide latrines for premises used by large numbers of people or to keep them clean and in proper order.	Twenty rupees
188	...	Failure to obey requisition to provide latrines for market, cattle-stand or cart-stand or to keep them clean and in proper order.	Twenty rupees
204	(1) & (5)	Allowing rubbish or filth to accumulate on premises for more than twenty-four hours.	Ten rupees
211	...	Building within street alignment or building line without permission.	One hundred rupees
224	...	Failure to remove permanent encroachment	Ten rupees
225	...	Failure to remove temporary encroachment	Five rupees
228	(1)	Unlawful making of hole or placing of obstruction in street ...	Ten rupees
229	...	Construction, etc , of building without license where street or footway is likely to be obstructed	Ten rupees

SCHEDULE IV—(*concld.*)

1		2	3
Section or rule.	Sub-section or clause.	SUBJECT.	Daily fine which may be imposed.
240	...	Construction of external roof, etc., with inflammable materials ...	Ten rupees
257	...	Failure to keep external walls of premises in proper repair ...	Ten rupees
263	...	Failure to obey requisition to repair, etc., tank or other place dangerous to passers-by or persons living in neighbourhood	Ten rupees
264	...	Failure to obey notice regarding precautions against fire ...	Ten rupees
266	...	Failure to obey requisition to stop dangerous quarrying ...	Ten rupees
267	...	Failure to obey requisition to fill up, etc., tank or well or drain off water, etc.	Ten rupees
268	...	Failure to obey requisition to cleanse or close, etc., tank, well, etc., or other source of water used for drinking.	Ten rupees
272	...	Failure to obey requisition to enclose, clear or cleanse untenanted premises.	Ten rupees
273	...	Failure to obey requisition to clear or cleanse, etc., building or land in filthy state or overgrown with prickly-pear or other noxious vegetation.	Ten rupees
274	...	Failure to obey requisition to fence building or land, or trim, prune, or cut hedges and trees or lower an enclosing wall.	Ten rupees
275	...	Failure to obey requisition to lime-wash or otherwise cleanse building.	Ten rupees
276	...	Failure to obey requisition to execute work or take other action with respect to insanitary buildings.	Ten rupees in the case of masonry building and five rupees in the case of hut
283	(*a*)	Unlawful keeping of pigs	Five rupees
,,	(*b*)	Unlawful keeping of animal so as to be a nuisance or danger ...	Five rupees
285	...	Use of place or stable, cattle-stand, etc., without license or contrary to license.	Ten rupees
287	...	Construction or maintenance of stable, cattle-shed, etc, contrary to Law or subsidiary legislation.	Ten rupees.
289	...	Failure to remove carcass of animal	Five rupees
290	(3)	Use of place without license or contrary to license	Fifty rupees
291	(1) & (2)	Unlawful erection of steam-boiler or machinery	One hundred rupees
,,	(3)	Disobedience of order regarding chimneys	Fifty rupees
292	(*a*)	Disobedience of order regarding hours of work	One hundred rupees
293	...	Use of place for sale or storage of timber, firewood or other combustible, without license or contrary to license	Ten rupees
301	...	Carrying on milk trade without license or contrary to license ...	Five rupees
305	(2)	Opening private market without license or contrary to license ...	One hundred rupees
306	...	Keeping open private market without license or contrary to license.	One hundred rupees
307	...	Sale or exposure for sale of animal or article in unlicensed private market	Twenty rupees
310	...	Breach of Market regulations	Ten rupees
311	...	Carrying on butcher's, fishmonger's or poulterer's trade without license, etc.	Ten rupees
336	...	Failure to obey requisition to cleanse or disinfect building or article	Ten rupees
Schedule II, rule 18.	...	Failure to obey requisition by auditors to attend, give evidence or produce document.	Seventy rupees